



London shares fall 54 points

Pound survives first ERM test as dollar slumps

BY NICHOLAS WOOD AND COLIN NARBROUGH

THE pound survived its first test yesterday in a crucial week for the currency markets as coordinated central bank action failed to stem the collapse of the dollar.

Although sterling briefly hit \$2 for the first time since the Gulf war, it dropped to its lowest against the mark since Britain joined the European exchange-rate mechanism. It stood at DM2.8001 at the official 4pm London market close, a fall of half a pfennig since Friday.

In London, the FTSE-100 index of leading shares dropped 54.6 in 2,311.1, reflecting a fall on Wall Street, fears about higher British interest rates and poor trade figures.

Sterling's steadiness against the mark on a day when the French franc and the Italian lira all lost ground was seen as a vindication of the government's tactics of combining central bank intervention with a 'staunch commitment to the pound's parity within the ERM'.

However, with the pound hovering around DM2.80 in a nervous market, close to its ERM floor, nobody in Whitehall was decrying the battle over. With a tough week ahead, Treasury sources said

last night that the government remained committed to taking whatever steps were necessary to keep the currency within its ERM limits.

If the markets did not appreciate our resolve in defending sterling, they do now," one senior Downing Street source said.

The Treasury was also drawing comfort from sterling's performance in the light of the operation launched over the weekend to remind dealers of the government's commitment to the ERM bands. But the government's relief at averting an immediate interest rate rise was clouded by a big rise in the trade deficit and a 55-point fall in the stock market.

John Major returned to his desk at Downing Street yesterday morning and was given an update on the state of the pound by Mary Francis, his economic private secretary, and Alex Allan, his principal private secretary and a former Treasury official.

Norman Lamont, the Chancellor, arrived back at the Treasury early last night from his holiday in Italy and was swiftly immersed in detailed briefings with his senior officials.

John Townend, chairman of the Tory backbench treasury committee, said on

As the trade deficit yawed from £747 million in June to £934 million last month, Labour resumed its attack on the government's economic policies. Robin Cook, the trade and industry spokesman, said the figures were more evidence that the government was failing the country.

"Only halfway through 1992 Britain has clocked up a deficit larger than the whole of last year," he said. "We are now adding millions of pounds to the trade deficit every hour."

Labour's attack on the government was undermined, however, by a fierce rebuke from Peter Shore, a veteran Euro-sceptic former minister, for his party's calls for lower interest rates while remaining within the ERM. Such "economic illiteracy" was destroying the credibility of the Opposition, he said.

Downing Street said that the prime minister was kept fully informed through the day about the state of the markets. About the time of Mr Lamont's return, Mr Major met Douglas Hurd, the foreign secretary, Douglas Hogg, junior Foreign Office minister, and foreign policy advisers in preparation for the conference to be held in London tomorrow on the former Yugoslavia.

Last night, he was being given a full briefing on the economy while Mr Lamont worked at the Treasury. Downing Street sources said they expected Mr Major and Mr Lamont to "touch base" today.

John Carlisle, the Eurosceptic MP from Luton North, said that Mr Lamont had been told to stay off radio and television broadcasts for fear of undermining confidence in the pound. He suggested that Mr Lamont might have to go.

"I feel Mr Lamont's position now must be in great jeopardy, and unless something is done and the prime minister himself steps in, either to replace the Chancellor or at least to reinforce him and the policies and to bring confidence back... then we may have to have a change of Chancellor."

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Until late on Sunday Andrew had appeared to be heading for north Miami. The alert went out early in Miami Beach and other coastal regions where a million people were ordered to leave their homes. About 75,000 people took refuge in shelters operated by the Red Cross.

But then, as Miami slept in



Mother's joy: Mrs Greenwood with Brett yesterday. "He has proved he's a little fighter"

Baby born 17 weeks premature survives

BY RAY CLANCY

BRETT Greenwood, the most premature baby to be born in Britain, left the special care baby unit at Leeds general infirmary yesterday, three months after astounding his family and doctors with his will to live.

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But then, as Miami slept in

Hurricane speeds up and takes Miami by surprise

FROM DAVID ADAMS IN CORAL GABLES, MIAMI

WHEN Hurricane Andrew came ashore in south Miami before dawn yesterday it seemed to be on a mission: to destroy as much as possible. But, judging by the path it took, there was one goal in particular — to break vengeance on the building that had been spying on its progress since Andrew started to blow two weeks ago

expectation of hurricane winds arriving by 8 o'clock in the morning. Andrew played its trump card. It veered to the right, turning south and, in a burst of pace, gave the city of Miami a rude 5 o'clock wake-up call.

By the time the hurricane centre had got out a warning, Andrew was on top of the forecasters and meteorologists. Winds clocked at 140mph tore at the building, shaking its foundations and blowing in windows on the sixth and seventh floors. Forecasters were trapped on the sixth floor and the ceiling was shredded on the seventh.

In a prize act of demolition, Andrew gobbled up the 25ft satellite dish and radar system on the building's roof that had been tracking it, disabling the centre's operations. "The dish is somewhere out there flying around south Florida," Al Sandrick, of the hurricane centre, said. "It is just debris now," he added.

The eye of the hurricane hit south Florida just south of Miami near the military airbase at Homestead. The storm then headed for the Everglades and out to the Gulf of Mexico as new hurricane warnings were announced for the west coast of Florida.

The southern districts of Miami, in particular Kendall, Coral Gables and Coconut Grove were worst affected. Eight people were reported killed, one by a falling tree. In Kendall, roofs were stripped from houses, storm shutters

torn off windows and there were several feet of flood water. George Ramirez, a Kendall resident, told a local radio station how winds picked up his car in the driveway, flipped it over and planted it

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TODAY IN THE TIMES

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Scores like that for *Citizen Kane* are rare. European cinema remains film music's best hope

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The monarchy's twin roles have become hopelessly confused in the public imagination, says Janet Daley

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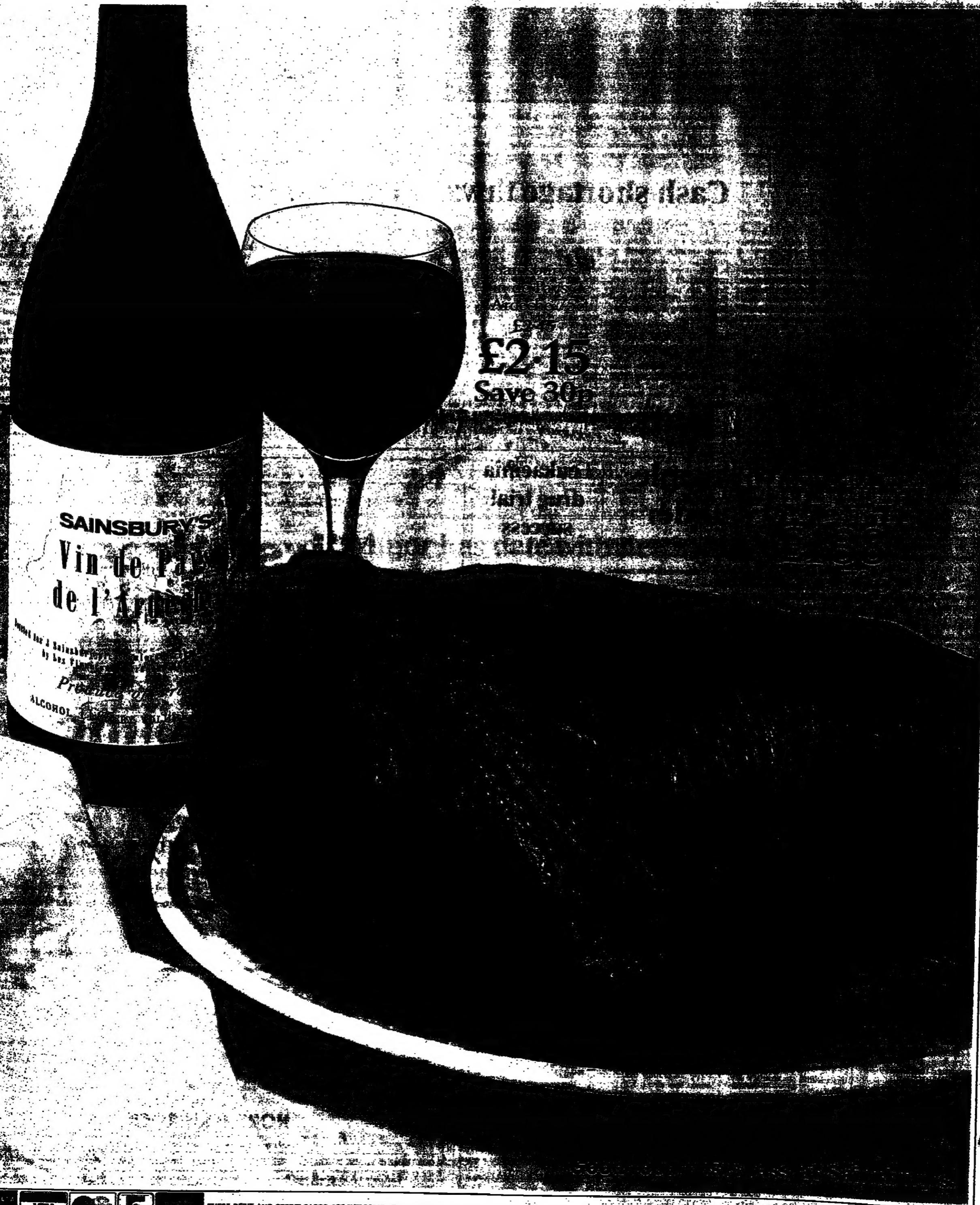
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Bank demanded savings at Le Manoir Hotel blames job cuts on financial troubles

By ROBIN YOUNG

A FINANCIAL disaster threatened a leading country house hotel owned by Raymond Blanc when he suffered a near-fatal stroke last year and was blamed yesterday for the abrupt dismissal of the hotel's sales and marketing manager.

Lois Rodway, the sales manager of Le Manoir aux Quat'Saisons, claimed unfair dismissal at an industrial tribunal in Reading, Berkshire, on the grounds that there had been no proper consultation and no offer of alternative employment within the organisation. Miss Rodway had worked at Le Manoir, at Great Milton in Oxfordshire, since 1987.

The hotel's managing director, Nicholas Dickinson, told the tribunal that the establishment was already facing a financial disaster when M Blanc suffered a stroke last September. He said that the business had been hit by the recession and the bank was applying pressure over the overdraft.

Miss Rodway, from Banbury, Oxfordshire, said Mr Dickinson had called her into his office one day last October and dismissed her on the spot

from her £13,860-a-year job as sales and marketing manager. She told the tribunal: "He said he had some bad news for me and that my position was to be made redundant."

"He told me that straight away. I was very shocked but I put my up and did not want to cry and show him I was upset."

Miss Rodway said Mr Dickinson told her that other staff, including the floristry manager and a part-time secretary, were also losing their jobs. He then offered her a deal in which she could avoid paying two months' tax on her redundancy payment if she signed a new employment contract.

She said: "He explained that my three months' pay in lieu of notice would be taxed, but if I signed a new one-month contract, then he could pay me the extra two months free of tax." She signed the new contract and received her full pay-off a few days later, but told the tribunal: "I was totally confused at being offered a contract of employment when I was being dismissed."

Mr Dickinson told the tribunal: "The success of the business was due almost exclusively to M Blanc's involvement and the people we were able to attract as a result. His presence is usually the highlight of a guest's visit. They want to meet him and shake his hand."

"He suffered a stroke and was away from the business for a considerable time, something in the order of two months. It was widely publicised in the press, and it was negative press in that it added to the problems."

"It was financially disastrous, coupled with the recession and people reading about

M Blanc's illness. People assumed Le Manoir was something different. He was no more or less as they were concerned, and we had become just another hotel."

"Our bankers were also aware of M Blanc's importance to the business and his absence caused them to be more interested in our performance and overdraft than they normally were."

Mr Dickinson said that a year earlier the hotel had tried to cut overheads after pressure from the bank by reducing the number of operational staff, such as waiters. He said they were forced to re-engage waiters after customer complaints, but when M Blanc fell ill and more cuts were needed it was decided the axe should fall on the administration side.

Le Manoir has two stars in the Michelin guide and has been *The Times* Restaurant of the Year. Suites at the hotel cost up to £375 a night.

The tribunal reserved its judgment.



Blanc: his presence is critical to business

Court backs hearing on County Hall

THE High Court yesterday gave a Japanese group permission to challenge a government decision that allowed the London School of Economics extra time to bid for County Hall.

Shirayama, a Japanese hotel consortium, wants to turn the prime site fronting the Thames into a 600-bedroom hotel, conference and leisure complex.

Mr Justice Ottow gave permission for an urgent application for a judicial review. The consortium accuses Michael Howard, the environment secretary, of unlawfully using his powers for an improper purpose and of showing partiality towards the school.

The judge ruled that there was an "arguable case" which should be heard quickly. The full hearing is expected to take place next month.

In March, Shirayama agreed to buy the Riverside Building, one of five in the County Hall site, from the London Residential Body, set up to dispose of the disbanded GLC's assets, for £60 million and made a down-payment of £3 million. Last month, Mr Howard issued a directive to the body under the 1985 Local Government Act not to take any steps in relation to the sale of the complex without first obtaining his consent.

The LSE offered £65 million for the entire site at the end of last month. The body said the bid should be rejected in favour of the Japanese offer.

Scots owe £500m on poll tax

By NICHOLAS WATT

MORE than £500 million remains unpaid in Scottish poll tax bills dating back three years, a report says.

By the end of last month local authorities were still chasing £514 million in unpaid bills, which represents 18.4 per cent of the sum that should have been collected, the study says. More than a fifth of the outstanding sum, £116 million, is owed from the year the tax was introduced in Scotland in 1989. Strathclyde and Lothian have the poorest levels of payment, where £258m and £115m are owed respectively for the last three years.

Liz Manson, of the Convention of Scottish Local Authorities, which published the report yesterday, said: "Scottish authorities now budget for a non-payment rate of ten per cent. This is an amazing figure compared with the less than half of one per cent under the old rates system."

In the current financial year only 21 per cent, or £737 million, of bills have been collected by the end of last month. The convention estimates that by July 31 per cent of the tax should have been collected.

Charles Gray, president of the convention, said yesterday that the legacy of non-payment would jeopardise the success of the council tax unless the government acknowledged the problem.

Union dispute mars ballet's first night

By SIMON TAIT, ARTS CORRESPONDENT

LONDON City Ballet may lose the opening of its new season next month because of a possible musicians' strike over the dismissal of three orchestra members.

The company, which almost closed last year in a funding dispute with the Arts Council, is due to open on September 14, but the 19-strong orchestra is being balloted by the Musicians' Union on whether to strike. In June, the company wrote to three musicians to say their contracts would not be renewed. Management sent new contracts to the other players without a union agreement being signed.

The union wants the three reinstated. They include



Painful wait: Mrs Ride and her son William. "Saddam can't use Paul as a shield"

Jailed man's wife in plea to Saddam

By MICHAEL HORNELL

JULIE Ride, wife of the Briton jailed for seven years by an Iraqi court for entering the country illegally, knelt beside the sleeping figure of their son, 17-month-old William, yesterday and sent a message to President Saddam Hussein.

"This little chap can't go through life without his dad. They are playmates not like daddy and son at all. They love each other very much."

Paul Ride, 33, a catering manager, who had been working in Kuwait since June last year, disappeared on June 28 during a visit to business contacts about 20 minutes drive from Kuwait City. The couple, from Walthamstow, east London, have not seen each other since Easter, when he returned to England.

A spokesman said: "The Russians have no right to go and see him and it depends on the good will of the Iraqis. Mrs Ride was one of Taylor International's team working in Kuwait in support of the firefighting effort, which has continued since the invasion by the Iraqis who set most of the emirate's oil wells ablaze. The supervisor of a catering project for 4,500 firefighters, he is being held in the Abu Ghraib prison near Baghdad.

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Protesters combine to block proposals for local bail hostels

BY RICHARD FORD, HOME CORRESPONDENT

PLANS for bail hostels across England and Wales to house more than 1,000 people on remand are being obstructed by local communities fearing of having alleged criminals living near by.

The hostels are a key part of the government's strategy of diverting alleged offenders from overcrowded prisons, but protesters have forced some local probation services to abandon schemes to open bail hostels. Other opponents are infuriated by a planning regulation that allows hotels to be converted into hostels without needing planning permission.

In Stockport, the local council and residents found themselves powerless to halt the conversion of a private hotel into a bail hostel for 22 men aged between 17 and 25, in spite of allegations by council officials that the Greater Manchester probation service used a front company to conceal its involvement in the project. Duncan Thomas, the coun-

cil's director of administration, said considerable efforts had been made to conceal the purpose of an application to carry out alterations to the hotel.

He accused the probation service of acting in an "underhand and deceitful manner", and said the local authority had been "misled" into believing conversion work was the continued use of the premises as a hotel. "The truth was not discovered until after the planning permission had been granted. The premises were in fact purchased by the probation service," he said.

The Greater Manchester probation service refused to comment on the allegations but said it intended to open the hostel. A statement from the council said it was opposed to the principle that hotels could be converted to probation/bail hostels without any planning control or consultation with the public and would continue to press for the law to be changed.

Residents of Bramley, Surrey, protested on Saturday over a plan to open a 42-bed hostel, the biggest in Britain. The villagers were unable to stop the conversion of a disused county council children's home into the hostel, in spite of protests to the Home Office and a 2,700-name petition to Downing Street.

Maurice Byham, chairman of the action committee fighting the hostel, said the village was totally unsuited for a large bail hostel. "This is a small village of 3,500 people. There are not the facilities for young men aged between 17 and 24. They should build it in an area where there is more entertainment and opportunities for the hostel residents to find work," he said.

Simon Burns, the Conservative MP for Chelmsford, said his constituents' success had made the probation service look at other towns to site hostels. He said: "People get very emotional about these kind of hostels, probably for the wrong reasons, but it does make them fearful about what might happen. There has to be much better consultation with

the public and much greater sensitivity in the choice of places to site hostels."

In Shrewsbury, Shropshire, a proposal for a 27-bed unit was abandoned when families in the Belle Vue area raised more than £200,000 to buy the site. In York, a plan to convert Linton Lodge, an old people's home, into a 22-bed bail hostel was dropped after a public outcry. An earlier application to create a hostel in the Huntington area in the north of the city was rejected by Ryedale District Council. In the Byker district of Newcastle upon Tyne, women occupied a proposed hostel site and after getting 4,000 signatures on a petition the local probation committee dropped the idea.

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Playing ball: Lord Strathclyde at yesterday's launch of a campaign to protect unused land from encroachment by developers

Minister backs defenders of open spaces

BY JOHN YOUNG

THE government yesterday gave its support to a campaign to protect open spaces in towns and cities and make them available for public recreation and enjoyment.

A booklet published by the Open Spaces Society, and jointly funded by the environment department and Eso UK, lists more than 100 case histories of successful campaigns by local amenity groups to prevent unwanted development, and offers ad-

vice on how to identify, record, protect and improve undeveloped sites for future generations.

The booklet was launched at a reception at Kenwood House on Hampstead Heath, north London, an appropriate venue in that the society was involved in various campaigns in the late nineteenth and early twentieth centuries to prevent building on the heath.

In the past century, the area of protected heath has grown from about 240 acres

to more than 800 acres, creating one of the largest urban parks in Europe. Among the progressive additions was Kenwood itself, the spectacular villa standing on a ridge between the former villages of Hampstead and Highgate, which was remodelled by Robert Adam for Lord Mansfield between 1764 and 1779. Kate Ashbrook, the society's secretary, said that while the society was concerned about the big and famous parks, the focus of attention was now on

often-overlooked pieces of land. "Look at the forgotten bits of roadside verges, the remnants of a wood or railway line, or a school playing field," she said. "This is where title and purpose are uncertain and where it is too easy to shrug and say: 'It's not public land, there's nothing we can do'."

The booklet, *Making Space*, shows that there is often something that can be done, with research, patience, determination and know-how. The launching of the

booklet by Lord Strathclyde, under secretary at the environment department, will be seen as a show of government support for the environmental lobby in resisting the encroachment of developers.

He described it as a "timely guide to protecting and promoting awareness of our green spaces, which are so vital to us all".

Making Space (The Open Spaces Society, 25a Bell Street, Henley-on-Thames, RG9 2BA; £7 members, £10.50 non-members)



Day: trying to answer Muslims' concerns

Race bias law 'must cover religion'

BY LOUISE HIDALGO

THE Commission for Racial Equality is to urge the government to bring in legislation to make religious discrimination an offence.

Sir Michael Day, the commission chairman, said the group would make a formal recommendation to the Home Office next month to widen the law on racial discrimination to include discrimination on religious grounds. He said the commission would also call for the blasphemy laws to be changed to cover the Islamic faith.

The recommendation, part of a formal review of the workings of the Race Relations Act, which the commission enforces, comes as Britain's Muslim "parliament" prepares to debate a report calling for the commission to be abolished and the act to be repealed. The report, a working document to be debated by the non-elected 155-member parliament on Sunday, calls for "tough and comprehensive" laws against discrimination. It accuses the commission of failing to act against anti-Muslim discrimination and says money spent on funding it should be channelled instead into legal aid for victims of discrimination.

Sir Michael said the commission's review, its first since 1985, would cover many concerns of the Muslim community. "Within the current meaning of the Race Relations Act, the commission has no authority to deal with cases of religious discrimination. This is clearly an area which needs to be considered."

The report to be put before the Muslim parliament claims that the government failed to include protection of religious minorities in the Race Relations Act of 1976 to "divert the Muslim community into false national, racial or linguistic identities". The report claims the commission has had the effect of "sidetracking" the Muslim community from establishing any effective organisation of its own, and urges development of its own identity, with its own economic and welfare institutions.

Care homes fall into cash trap

A successful model for residential care of the elderly in the community may be going to waste, Alison Roberts reports

EXPERIMENTAL nursing homes for the elderly were highly praised in a recent report by an independent health service think-tank as a model alternative to long-stay hospital wards.

But, amid uncertainty about the provision of care for increasing numbers of elderly people, the government is accused of failing to develop the model and of redrawing the boundaries between NHS and private provision.

Three experimental NHS homes were opened in the early eighties to create a more positive environment for those who require publicly funded constant nursing care. The 25 residents of Jubilee House, one of the new venture homes in Cosham, near Portsmouth

in Hampshire, would all be taking up beds in hospital wards, or in costly private nursing homes, if the NHS experiment did not exist.

A report by the Kings Fund Institute voices fears that closure of long-stay beds and failure to provide more NHS homes is shifting financial responsibility for the elderly from the public sector to individuals and their families.

As local authorities gear up for next year's implementation of the Community Care Act, residential home provision

has come under increasing scrutiny. Some homes will need to be maintained, but limited provision exists for those who are too ill to live in social services homes without nurses.

Jubilee House aims to provide its residents with maximum freedom within a safe domestic setting. Many of the elderly people there have suffered strokes; none can walk and few have the use of both hands. They are allowed to decide when to get up in the morning, when and where to

MARTIN BEDDALL



Drawing lessons: Jubilee House resident Eva Jolliffe, 86, with nurse Maria Knight

UK lags behind in health spending

BY ALISON ROBERTS

TOTAL health care expenditure in the United Kingdom is set to rise to more than \$40 billion this year, or a record £640 a person. The UK remains one of the smallest spenders on health services in the developed world, however. To bring spending into line with other big industrialised countries, the government would have to inject £10 billion into the NHS — a theoretical income tax increase of 5p in the pound.

Surprisingly, it is not more expensive to house the elderly disabled in the experimental homes than in long-stay wards. A daily cost of £47 a patient is paid by the Portsmouth and South East Hampshire health authority, which also maintains three long-stay geriatric wards of about 25 beds in two large Portsmouth hospitals.

The health department said that the government had helped to fund the pilot homes only as an example of good practice and had no plans to develop the model. A spokesman said: "We believe that the principle behind these homes is a good one, but it is up to health authorities to plan their own services."

The establishment of Jubilee House in 1984 was seen as a radical change in the way care was traditionally provided in NHS continuing care wards. The number and type of staff at Jubilee House do not follow the usual demarcations found in hospitals. Nurses are supplemented by care assistants and students from a nursing college near by. The home also benefits from social services back-up, not available to private homes.

One in every six households is now a subscriber to private health care in the UK and consumer outlay on private health care is rising at an annual rate three times as fast as NHS expenditure. Profes-

NEWS IN BRIEF

Court frees driver who killed wife

A speeding driver who fell asleep at the wheel and killed his wife in a four-car pile-up was freed by an Old Bailey judge yesterday after pleas for mercy from her family.

George Danso, 33, hit oncoming traffic at up to 70mph in East India Dock Road, East London, with six passengers, including three children in his car, the court was told. His wife Elizabeth, 33, died from a fractured spine.

Denso, a machine operator of Flushing Park, north London, was tired after a week of nightshifts and then attending a family christening party until the early hours. He pleaded guilty to causing his wife's death by reckless driving in August last year. He was sentenced to nine months' imprisonment, suspended for a year, and banned from driving for two years.

Soldier bailed

A soldier accused of killing a colleague while on guard duty was given conditional bail by Aldershot magistrates yesterday. Sapper Stuart Nield, 17, had been charged with the manslaughter of Sapper Paul Bartlett, 20, on Saturday.

Air near-miss

A packed aircraft approaching Bristol airport from Brussels nearly hit a microlight that strayed into its path 3,000ft above Bath. The Civil Aviation Authority launched an investigation yesterday.

Baker fined

British Bakeries, of Windsor, Berkshire, was fined £4,000 after Nottingham magistrates were told how Philip Dennis, 21, an employee at its factory in Watnall Nottingham, was hit on the head by a 700lb doughball.

Hitch in time

The first electric train to run on a new £40 million line between King's Lynn and Cambridge yesterday broke down within seconds. Passengers were switched to a second train that started ten minutes late.

Gifts of life

Four patients are recovering after surgeons transplanted the heart, kidneys and liver of Charles Tease, 13, from Whirburn, Edinburgh, who was carrying a donor card when he died after falling 150ft at a quarry.

Search for northern soul draws modern poets to Tyneside

BY SIMON TAIT
ARTS CORRESPONDENT

NEWCASTLE upon Tyne may be an unlikely magnet for poets, but the city is developing an international reputation for its verse.

Basil Bunting, the doyen of modernist poets, who died seven years ago, drew writers to his feet on his return home to the city in the 1960s. And Tony Harrison, Britain's most influential living poet, moved to Newcastle from Leeds 25 years ago. More have been flocking to the city ever since, many of them Americans, such as Anne Stevenson, Sylvia Plath's biographer.

Another poet with a growing reputation is Evangeline Patterson.

who has settled in Newcastle after living in Cambridge, St Andrews and Leicester. "People are interested in what happens here, what the influences from London are. That's what attracts me and informs my writing," she says.

She was a reader last week at the twelfth century Morden Tower, in Newcastle's ancient city walls, where, despite lack of electricity, seating or lavatories, a poetry venue was established 23 years ago and is still going strong. Bunting was one of the first to read there, followed by Allen Ginsberg, Ted Hughes, Hugh McDiarmid, and Adrian Mitchell.

Among the pubs, where a huddle of poets reading from curly exercise books is a familiar sight. The Bridge

near the railway station is a favourite haunt for Sean O'Brien, the present Northern Arts Board literary fellow, who moved to the North East from Brighton.

The city might be grim at first, but there is a vibrancy and excitement. The architecture is exhilarating and there's a visual tension with economic hardship," he said. His job as the fellow for the next two years is to encourage the reading of poetry from Cumbria to Berwick to Middlesbrough. "It means a lot of travel, but there is a strong tradition of community writing here, which makes my job easier."

Bloodaxe Books, founded in Newcastle 14 years ago by Neil Astley, was named after the Viking

king who captured the most famous poet of the day and spared his life in return for an epic in his honour. It has become the biggest publisher of new poetry in Britain, with 50 new titles a year, and a turnover of £250,000.

Bloodaxe recently beat off London competition to secure its first poetry book, *Irma Ratushinskaya* and *Benjamin Zephaniah*. Two-thirds of the 100,000 volumes the company publishes are for export.

This week, Bloodaxe issues a guide to demystify contemporary poetry, while Tony Harrison currently in London rehearsing his new theatre piece *Square Rounds* for the National Theatre, has a new volume coming from Bloodaxe in October.

"These are not necessarily poets writing about Newcastle," said Mr Astley, a southerner who settled after doing an English degree at Newcastle University. "They may write in isolation, but they do it here because it's where they are comfortable living close to each other."

Andrew McAllister is Bloodaxe's assistant editor and presenter of Radio 4's new poetry programme, *Stanza*. He was drawn north two years ago from serving in a London bookshop. "Douglas Dunn, the Hull poet, says that a city can help poetry by not hampering it. The other arts which flourish in Newcastle actually encourage writing, and that's why this is such an important place for poetry."

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Aid agencies claim US airlift will spur violence in Somalia

FROM SAM KILEY IN NAIROBI

THE American military operation to fly tens of thousands of tons of food to the starving population of Somalia has been criticised bitterly by a range of aid organisations. They say the airlift could lead to an increase in violence and will severely stretch the capacities of the agencies expected to handle food distribution.

Washington pledged last week to send 145,000 tons of food to try to save the 4.5 million Somalis at risk from hunger and immediately ordered the United States Air Force to take food into Somalia. But the plan had not been fully disclosed to the United Nations and other organisations with experience of Somalia, such as the International Committee of the Red Cross, that are expected to distribute the food in conditions of violent anarchy.

The first consignment of split peas and other products carried by the American planes is expected to be flown into Baidoa, western Somalia, this week. But agencies working in the area are worried that a plane carrying huge amounts of food will "attract looters like a honey-pot for bees".

Last week, Red Cross operations in Baidoa, where about 200 in a population of about 65,000 die every day, were suspended after a "security incident" involving the agency's own food stocks. A month before that, the Red Cross lost at least ten tons of food to armed men from the United Somali Congress, which is led by General Muhammad Farrah Aidid, the country's pre-eminent warlord. In July, the United Nations children's fund (Unicef) compound was raided.

No additional security arrangements beyond the gunmen hired to protect aid agencies in Baidoa have been made because the UN troops soon to be deployed in Mogadishu will be restricted to the Somali capital. One aid offi-

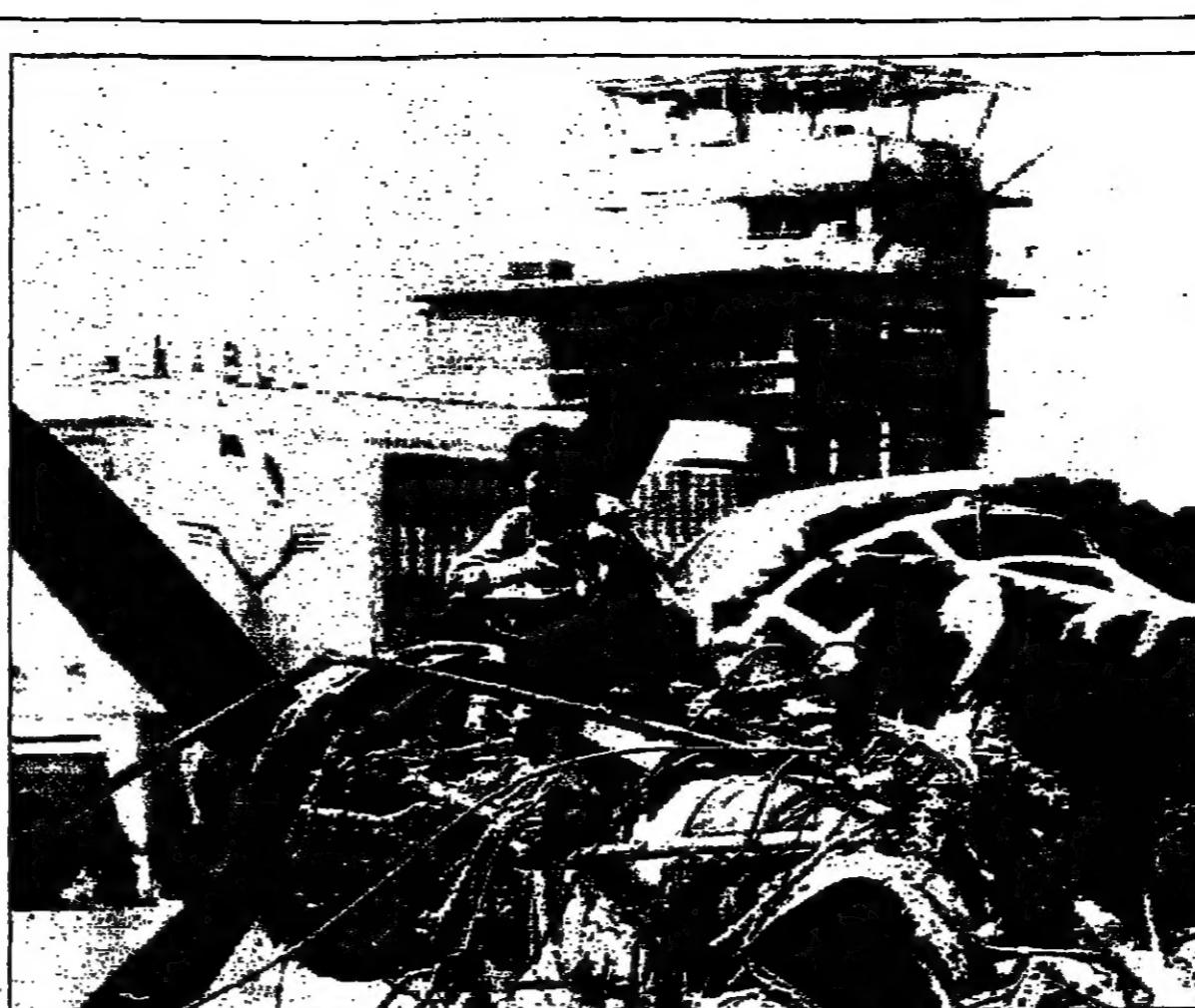
cial said: "We are worried that if the food is just dumped in Baidoa, or wherever the planes eventually go, there could be a real battle for control of it. Food is virtually the only currency in the country and those with guns want the lion's share."

Officially at least, America has no plans to send troops to protect the food it delivers to Somalia, but Washington is staunchly behind the view that additional UN forces will soon have to be sent to ensure that relief gets through to those who need it.

An American embassy official in Nairobi agreed yesterday that the military airlift had caught diplomats in the Kenyan capital off guard and that there were many logistical and security problems that still had to be addressed. "We were caught between a rock and a hard place. Either we spend two months planning the operation and people say we are too late, or we come in and make it work on the ground. At least this way people are taking notice of Somalia and that can only be a good thing," he said.

• Jerusalem: Abie Nathan, the Israeli peace activist, said yesterday that he plans to seek UN support for the creation of a camp for refugees along the Somalia-Kenya border. He spoke of providing about 2,000 tents to house up to 40,000 Somali refugees. (AP)

Letters, page 11



Air cover: an Afghan soldier taking up position behind a ruined plane at Kabul airport yesterday during clashes with Hezb-e-Islami guerrillas, led by Gulbuddin Hekmatyar, who are opposed to the government

Diplomats flee Kabul under fire

FROM SUZY PRICE
IN KABUL

FRENCH and Italian diplomats and the injured Bulgarian ambassador fled Kabul before dawn yesterday and the Red Cross handed over responsibility for its hospital to the health ministry, saying that the warring factions did not respect its premises.

The diplomats braved a night of intense exchanges of fire between the dissident Hezb-e-Islami party and government troops, apparently abandoning hope of a promised ceasefire to allow embassy staff to leave. The group comprised six French diplomats, five Italians and three Bulgarians, including the ambassador who was wounded by shrapnel when a rocket hit the embassy on Sunday.

The convoy headed north on the main road to Termez on the Uzbekistan border, 250 miles northeast of Kabul, an official at the French embassy in Islamabad said. An Afghan government plane had been sent to pick them up. (Reuters)

Peking and Seoul end 40-year feud

China has strengthened its hand in Asia by opening relations with Seoul, writes Catherine Sampson

The Chinese and South Korean foreign ministers ended four decades of enmity yesterday when they signed a protocol establishing diplomatic relations. But while the cold war between Peking and Seoul is over, that between South Korea and North Korea is not, and Peking is now in the middle.

Li Peng, the Chinese prime minister, said yesterday that Peking's "very good" relations with Pyongyang would continue and suggested that China's new ties with South Korea would be "conducive to a continued improvement of relations" between North and South Korea.

Peking's improved relations with South Korea have coincided during the past year with a slight thawing in relations between the two Koreas, but the two armies still face each other across one of the most heavily militarised borders in the world. Whatever Peking's willingness to act as matchmaker, it is not at all clear that Seoul and Pyongyang are prepared to kiss and make up.

North Korea's silence yesterday was the most telling indication both of its displeasure and its desperation. Given its lack of other friends, it could not even indulge in the luxury of an outburst against its betrayal by Peking.

While the Peking-run Wen Wei Po newspaper published in Hong Kong insisted that North Korea and China would continue to be "as close as lips and teeth", it looked to analysts like the end of a "blood-cemented friendship". Even the Wen Wei Po admitted that Peking undoubtedly had had to spend much time persuading Pyongyang to accept the fact that China was to take this step.

China fought on the side of North Korea in the Korean war of 1950-53 and only since the late 1980s has contemplated trade with the bitter enemy of

those days, South Korea. Last year, Seoul and Peking set up trade offices in each other's capitals and bilateral trade is expected to reach £2 billion this year.

Yesterday's ceremony was the clearest indication so far that Peking has abandoned ideological correctness in favour of economic development and a strong position in Asia. Its decision mirrors its domestic policy, where capitalist reform led by Deng Xiaoping, the senior leader, is gradually dismantling the socialist state.

The five-yearly Communist party congress due to take place this autumn is expected to endorse a "socialist market economy" that will be ready and willing to absorb investment from all China's new-found friends in Asia.

Before 1989, China's policy focused on opening in the West. But it was the West that most loudly voiced its disapproval of the mass killings of Tiananmen Square demonstrators by the army that summer. Asian countries, many of them with similarly dictatorial governments, did not react with such horror and that is where Peking has achieved most in diplomatic terms in the past three years.

Of all the developed countries, it was Japan that first lifted the economic sanctions imposed after the killings. While Chinese officials still condemn Japanese atrocities during the second world war, they are not averse to welcoming the Japanese emperor to Peking this autumn and accepting whatever soft loans he brings.

Since 1989, China has normalised relations with Vietnam and established ties with Indonesia and Singapore. Yesterday's deal with South Korea stripped Taiwan of its last Asian diplomatic ally. Peking insists that none of its diplomatic partners should have relations with Taiwan.

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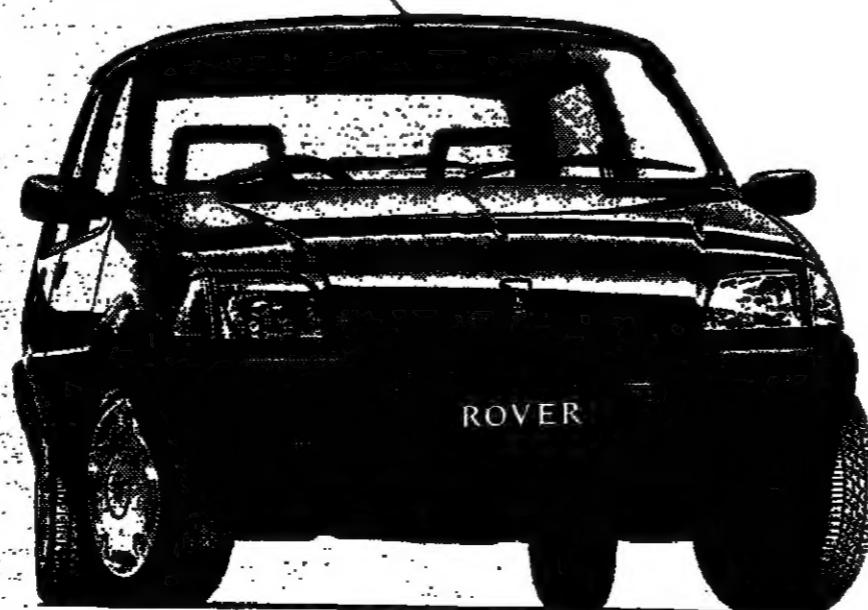
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Israel brings more concessions to the Middle East talks

FROM RICHARD BEESTON IN JERUSALEM AND MARTIN FLETCHER IN WASHINGTON

YITZHAK Rabin, Israel's prime minister, yesterday offered fresh concessions to Palestinians in the occupied territories, cancelling 11 deportation orders only hours before Israel reopened peace talks in Washington with its Arab neighbours.

Mr Rabin, who is also defence minister, said that the Palestinians from the West Bank and Gaza Strip would not be expelled, but would nonetheless remain in administrative detention. His move was clearly timed to create a more positive atmosphere at the sixth round of talks involving Israeli, Palestinian, Jordanian, Syrian and Lebanese representatives.

The detention orders against the men were made in January, under the then right-wing government of Yitzhak Shamir, after a spate of shootings by Palestinians of Jewish settlers. The move, banned under international law, was widely condemned abroad.

Although Israel has insisted that deportation remains a valid method of punishment for security suspects, the unilateral move, together with Sunday's announcement that 800 convicted Palestinians would be freed, is likely to put pressure on the Arab side to reciprocate.

Mr Rabin apparently wants

his delegation to break up into subcommittees with the Palestinians to discuss in detail every aspect of their rival claims to the occupied territories, with a view to Palestinian elections being held there within 12 months and to beginning the transfer from Israeli military rule to Palestinian self-government.

Itamar Rabinovich, Israel's new leading negotiator with the Syrian delegation, is also expected to discuss the possibility of some "territorial compromise" on the strategic Golan Heights, which Israel captured from Syria during the 1967 six-day war. However, Syria has traditionally insisted on a complete Israeli withdrawal.

On Sunday night, James Baker, whose diplomacy had brought Arabs and Israelis to the negotiating table and kept them there, formally resigned as Secretary of State to head President Bush's re-election campaign, taking Dennis Ross, his senior aide on the Middle East, with him to the White House.

The impending move had caused consternation among the Arab delegations, which had come to trust Mr Baker, but the fact is that a breakthrough before November's election would enhance Mr Bush's stature and delight America's Jewish voters. Mr



Taking a break: Bill Clinton, right, and Al Gore, his presidential running mate, eating ice cream yesterday in the grounds of the Chautauqua Institute in New York state. Both men have condemned the Republicans for negative campaigning

Clinton accuses Bush in God-and-country battle

FROM MARTIN FLETCHER IN WASHINGTON

GOD has become an issue in the American presidential election. President Bush's weekend condemnation of the Democrats for failing to mention God in their manifesto has provoked a furious riposte from Bill Clinton. The insinuation that the Democrats were godless was a "deeply offensive" political play, declared the church-going Arkansas governor.

Mr Bush "basically said that unless you believe in the Republican platform you don't believe in God and you're not an American", he commented. The president was cynically promoting "an atmosphere of intolerance", trying to turn his opponents into "cultural aliens" by distorting their words, misrepresenting

ing their values and dividing the American people".

After a week of relentless Republican assaults on their characters and values, Mr Clinton and his wife, Hillary, have begun retaliating. Mr Bush accused his opponent of "whining and complaining" but even some top Republicans fear the attacks have gone too far this time.

"I don't like to see the bashing of anybody's wife," admitted Jack Kemp, the housing secretary. "I do not want to see a religious war, a jihad, or some kind of battle that splits America. You can win an election but you cannot govern the country by dividing the American people."

In a series of statements, the Clintons and Al and Tipper

Clinton have condemned the Republicans for negative campaigning every which way" to distract attention from their record.

Unrepentant, Mr Bush told rally after rally that he had not even begun to fight yet, while Republican strategists privately acknowledged that they had little choice but to mount an all-out offensive on the Democratic nominee who leads by ten points with barely 70 days to go.

Mr Clinton conceded that

Mr Bush appeared to be gaining on him in the polls. But he also predicted that lack of substance in Mr Bush's economic proposals would enable the Democrats to stay ahead.

Yesterday Mr Bush announced a \$10 billion (ES1.1 billion) five-year programme

for retaining workers that included several ideas his administration had previously opposed. "New Century Workforce" appeared to be aimed at the key electoral region of the industrialised Midwest, where workers fear the North American Free Trade Agreement will destroy their jobs, and at California where thousands of defence workers are being laid off.

Mario Cuomo, the governor of New York, blamed the slump in the value of the American dollar on Mr Bush's promise of tax cuts. International financial markets and "the rest of the world" are telling America "you're broke and you're saying you're going to give people back maybe a billion dollars", he said.

Hezbollah gains in Lebanese poll

FROM ALI JABER IN BEIRUT

THE pro-Iranian Muslim extremist group Hezbollah (Party of God) yesterday claimed surprise victories in the initial phase of Lebanon's first parliamentary elections in 20 years, sending shock waves throughout the country and prompting the Speaker to resign.

Hussein Hussein, the Speaker, who was running against Hezbollah, announced his resignation from parliament after the apparent defeat of his list of candidates in his constituency of Baalbek and Hermil, 52 miles east of Beirut.

Hezbollah announced that preliminary results, accounting for more than half the ballot boxes, showed that Sayed Ibrahim al-Amin, the party's former secretary-general, and three other party members won between 15,000 and 23,000 votes. Three of Hezbollah's allies won a similar number of votes. The second round of the voting is on Sunday.

Hezbollah's votes exceeded by far the figures that it said were won by Mr Hussein and his list of candidates. According to their count, the Speaker has gained slightly more than 10,000 votes so far, enabling him to win only one of the remaining two seats, while Majed Hamadeh, his traditional rival, might win the other. There were no official results available yet, but repre-

sentatives of all candidates have the right to be present during the vote count.

Mr Hussein, in a statement at dawn said that there was huge falsification in counting the votes and casting the ballots in his constituency. His representatives at the counting station withdrew at midnight on Sunday claiming that some of the ballot boxes arrived unsealed.

He had telephoned Rashid al-Solhi, the prime minister, and urged him to convene an emergency cabinet meeting yesterday to stop the elections in the constituency. He threatened to call for a special parliamentary session today and take decisions if the government did not declare the elections in Baalbek and Hermil null and void. But Mr al-Solhi preferred to delay the meeting until today after the final results of the elections.

In Zahlieh, home town of President Hrawi 26 miles east of Beirut, final results showed the defeat of all candidates supported by the president, including his son, Roy Hrawi, and his right-hand man, Shawki Fakhouri, the minister of transport.

Hezbollah's surprise victory spread fear and apprehension among Lebanon's Christian community. They were afraid that the party's political programme of turning Lebanon into an Islamic state would gain more momentum.

Scandal in Brazil

Collor faces political ruin

FROM MAC MARGOLIS IN RIO DE JANEIRO

FRIENDS and associates of President Collor de Mello "took over the state by assault", manipulating the bureaucracy for favours and personal profit, bleeding the government of hundreds of millions of pounds, according to the report of a congressional panel investigating corruption in government.

The 200-page report, read yesterday in a packed Brazilian senate, gave minute details of Brazil's worst political scandal, which threatens to bring down the government of President Collor. Tomorrow the panel will vote on whether to send the report on the full lower house, where opponents of Senator Collor will bring impeachment proceedings against him.

Collor will probably face impeachment

that Senator Collor and a handful of associates took advantage of the "tunul" or administrative reform to install a "parallel ministry" in Brasilia, the nation's capital. There, they are alleged to have manipulated for private gain contracts and funds, practising bank fraud, bid rigging, and the brokering of public

money. The panel examined bank documents, more than 40,000 cancelled cheques, and a paper trail that stretches from Montevideo to Miami in Florida. Senator Farias, in the congressional report concluded, capitalised on Senator Collor's radical restructuring of government, becoming, in effect, brokers of favours and funds, charging "exorbitant and unjustifiable prices" for fictitious services.

Some of the "plethora of administrative and fiscal irregularities" tied to Senator Farias are:

□ Indenting the bids on a medical facility in the state of Alagoas, Senator Collor's home state, in order to finance a candidate for governor. The facility cost half the \$8.3 million awarded for its construction;

Pretoria broadens talks about talks

FROM RAY KENNEDY IN JOHANNESBURG

THE government and opposition groups yesterday continued tentatively to discuss resuming constitutional talks, but involving a wider range of participants than the convention deadlocked in May.

Roelf Meyer, minister of constitutional affairs, resumed talks that began two weeks ago with the Pan Africanist Congress (PAC). Although 19 parties took part in the Convention on a Democratic South Africa (Codesa), which broke down in May, its discussions were dominated by four main players: the government, the ruling National party, the African National Congress and the Zulu-based Inkatha Freedom party. It was shunned by the white right wing, the PAC and the Azanian People's Organisation (Apop).

A government spokesman said yesterday that Mr Meyer would be holding separate exploratory talks with various parties today and hoped to continue discussions he had on Friday with Cyril Ramaphosa, ANC secretary-general. Gill Marcus, an ANC spokeswoman, said that although Meyer and Ramaphosa were meeting, it did not mean that the ANC had backed away from its 14

New York state sued over gull massacre

FROM BEN MACINTYRE IN NEW YORK

Seagulls from the Jamaica Bay Wildlife Refuge were lastly over John F. Kennedy International Airport on their way to New York's rubbish dump. Many do not make it, but are blasted out of the sky by government sharpshooters, to the fury of environmentalists who say a rare species of gull is being wiped out.

Since the government's annual bird shoot began in May about 10,000 birds, mostly laughing gulls, have been shot in and around the airport to prevent them crashing into aircraft. Last week a New York animal welfare group, the Fund for Animals, sued the New York state department of environmental conservation in an effort to stop a repetition.

Seagulls have long been seen as a safety hazard at the airport, but the annual summer cull grew in importance after an incident last year when Boeing 747 bound for Tokyo had to abort its takeoff because a gull flew into one of its jet engines.

The city's port authority, however, remains adamantly opposed to negotiations involving the ANC. Ferdi Hartzenberg, deputy leader, said that while the party was "prepared to negotiate the questions of land and co-operative independence with the leaders of other national groups, the CP will not negotiate with the ANC and the SACP (South African Communist party)."

ANC 'not to blame' for death

FROM ANDREW DE VILLIERS IN JOHANNESBURG

The killers of Andre de Villiers, the white farmer shot dead a week ago after giving the African National Congress information about a suspected security-force hit squad, were not members of Umkhonto, the ANC's armed wing, according to a friend of his (Ray Kennedy writes).

Valence Watson, a member of the ANC, said at Port Elizabeth, in the eastern Cape: "Something extremely fishy is going on. The words of a dying man were that the murderer was political and that there would be a cover-up. I have every reason to believe him." Major General Koos Calitz, the regional police commissioner, said on Sunday that two trained ANC guerrillas and a third black man had been arrested for the murder.

Eruption nears

FROM MANILA

Experts say a violent eruption of Mount Pinatubo is close, with more than 440 earthquakes recorded in 24 hours. Six people have died and some 600,000 have fled as a result of flooding and the volcano's activity.

Tiger kills girl

FROM BANGALORE

A tiger smashed the window of a tourist van in a national park near here and grabbed an Indian girl, aged five. She was dragged away as 25 other children watched helplessly. The girl's body was found later. (Reuters)

Tent victims

FROM MARSEILLE

Five Dutch women tourists were injured, one seriously, when a stolen car fell on top of their tent at a beach near here. Police said the thief had apparently pushed the vehicle over a cliff to get rid of it. (Reuters)

Case in point

FROM PEKING

Shanghai police arrested Guo Weicheng, 36, an electrical worker dubbed "the vicious wolf" who prowled on buses jabbing women's behinds with knitting needles. In 15 months he attacked 28 women. (Reuters)

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Court of Appeal

Law Report August 25 1992

Court of Appeal

Tax assessments lawful

Collins v Addies (Inspector of Taxes)**Greenfield v Bains (Inspector of Taxes)**

Before Lord Justice Nourse, Lord Justice Glidewell and Lord Justice Stocker

[Judgment July 31]

Income tax assessments on two participants in a close company under the provisions of section 287 of the Income and Corporation Taxes Act 1970 relating to loans made to them by the company were lawful. The sale of their shares in the company to a fellow participant that included the reduction of their indebtedness was a "release" for the purposes of that section and gave rise to their liability.

The Court of Appeal so held in rejecting judgments dismissing appeals by the taxpayers, Mrs Michael Collins and Mrs Anthony Greenfield, from the judgment of Mr Justice Miller (*The Times* July 16 1991; [1991] STC 445) that upheld determinations by a special commissioner relating to assessments to the tax raised on them for 1980-81. The taxpayers were refused leave to appeal to the House of Lords.

By section 287 of the 1970 Act

as substituted by paragraph 33(1) of Schedule 6 to the Finance Act 1981 and now re-enacted in section 421 of the Income and Corporation Taxes Act 1988:

"(1) . . . where a [close] company is assessed or liable to be assessed under section 286 . . . in respect of a loan or advance and releases or writes off the whole or part of the debt in respect of it, then— (a) for the purpose of computing the total income of the person to whom the loan or advance was made a sum equal to the amount so released or written off shall be treated as income received by him after deduction of income tax from a corresponding gross amount . . ."

The taxpayers' directors and shareholders in Brent & Collins, an unincorporated company, were under a tax assessment in amounts totalling £70,000. In 1980 they contributed to their shareholdings to a fellow director, Mrs S. Brent, for £200,000. It being a term of the sale that Mrs Brent be substituted for the taxpayers as debtor to the company.

Mr Andrew Thornhill, QC, for the taxpayers; Mr Launcelot Henderson for the Crown.

LORD JUSTICE NOURSE

Acquiescence in child abduction

In re A (Minor) (Abduction: Acquiescence)

Before Sir Donald Nichols, Vice-Chancellor, Lord Justice Butler-Sloss and Sir Michael Kerr

[Judgment July 29]

The father of a child abducted to England could be said to have acquiesced in the abduction for the purposes of article 13(a) of the Hague Convention on Civil Aspects of International Child Abduction, notwithstanding that he did not at the time of the abduction to constitute acquiescence have specific knowledge of his rights under the Convention.

The Court of Appeal so held when allowing an appeal by the child's mother, uncle and aunt from the order of Mrs Justice Booth made on May 21, 1992, in the Family Division, that the child should be returned to Germany, his country of habitual residence, under article 12 of the Convention.

Mr Patrick Eccles, QC and Miss Camilla De Sousa Turner for the mother; Mr Patrick Egan, QC and Miss Camilla De Sousa Turner for the uncle and aunt; Mr Andrew Ritchie for the father.

LORD JUSTICE BUTLER-SLOSS said that unless article 13 of the Hague Convention, incorporated into English law in Schedule 1 to the Child Abduction and Custody Act 1985, applied, the judge was bound to order the

return of the child under article 12. The court had, however, a discretion not to return the child if one of the situations set out in article 13 was proved.

Article 13(a) was relied upon: "Notwithstanding the provisions of the preceding article, the judicial or administrative authority of the requested state is not bound to order the return of the child if the person . . . who opposes its return establishes that—(a) the person . . . having the care of the person of the child . . . had consented to or subsequently acquiesced in the removal or retention . . ."

The judge held on applied a passage from the judgment of Lord Justice Stuart-Smith in *In re*

return of the child under article 12. The court had, however, a discretion not to return the child if one of the situations set out in article 13 was proved.

Walters v Walters

On the proper construction of rule 8 of the Family Proceedings Rules (SI 1991 No. 1247) the judge hearing an appeal from a district judge was free to substitute his discretion for that of the district judge even if adopting all the findings of the district judge on the evidence.

His Lordship was quite clear that the court was not confined to the Court of Appeal procedure as stated in *Merritt v Merritt* ([1992] 1 WLR 471). The proper construction of rule 8 demonstrated that on appeal the Family Division judge

said that the appeals raised a question of construction on section 287(1) of the Act.

Broadly stated, it was whether, by participating in the sale transaction, the company "released" the loan for the purposes of that provision.

It being accepted by the taxpayers that the company had become liable to be assessed under section 286, payment of sums equal to the amount of advance corporation tax that would have been chargeable if the loan had been a distribution, the Crown's case was a simple one.

Both in form and substance, it was argued the novation of the loan effected by the sale agreement involved release of the taxpayers' debt in respect of the loan.

The taxpayers contended that section 287(1) applied only to releases given gratuitously or for less than full consideration, not full consideration, but that the court should give full value for full consideration, as was the case when given by the company to the taxpayer.

Mr Thornhill, QC, for the taxpayers; Mr Launcelot Henderson for the Crown.

LORD JUSTICE NOURSE

Discretion on appeal

Walters v Walters

Following her application for ancillary relief.

MR JUSTICE THORPE said that the district judge had disbelieved the husband who had stated that he had used redundancy money of £19,000 to repay a loan he owed to a friend.

His Lordship was quite clear that the court was not confined to the Court of Appeal procedure as stated in *Merritt v Merritt* ([1992] 1 WLR 471). The proper construction of rule 8 demonstrated that on appeal the Family Division judge

would ordinarily adopt the evidence before the district judge and his conclusions in relation to that evidence unless there were good reasons for re-opening that stage of the investigation.

would ordinarily adopt the evidence before the district judge and his conclusions in relation to that evidence unless there were good reasons for re-opening that stage of the investigation.

Equally, the judge would not ordinarily admit fresh evidence unless there was a good reason to do so. In all circumstances the judge was free to substitute his discretion for that of the district judge even if adopting all the findings of the district judge on the evidence.

Prior to the 1980 Act local education authorities were obliged, when considering initial admissions or transfers to their

schools, to have regard to parental preference. By section 6 of the 1980 Act they were under a mandatory duty, save in the instances stated in section 6(3), to comply with such preference.

In the instant case the council was obliged to comply with the mother's request, otherwise it would be in breach of section 6.

The CRE contended that the mandatory and apparently unqualified duty under section 6 was qualified and overridden by section 18 of the 1976 Act, as amended by section 33(1) of the 1980 Act.

The case for the CRE depended on a local education authority's duty under section 6 of the 1980 Act being a function not falling under section 17 of the 1976 Act.

It was only if so, that section 18 applied and created or could create two conflicting duties the duty under section 6 of the 1980 Act to comply with parental preference whether such was expressed or not subject only to section 6(3) and the unqualified provision in section 18 of the 1976 Act that it was unlawful for an LEA in carrying out its functions to do any act which constituted racial discrimination.

Parental request paramount

Regina v Cleveland County Council, Ex parte Commission for Racial Equality

Before Lord Justice Parker, Lord Nolan and Lord Justice Kennedy

[Judgment July 31]

Where a parent requested the transfer of a child to a preferred school because of the racial mix of its pupils, the local education authority had to comply with the request.

The mandatory duty to comply with parental preference imposed by section 6 of the Education Act 1980 was not qualified by section 18 of the Race Relations Act 1976.

Accordingly, the transfer of the child was not an act of segregation on racial grounds.

The Court of Appeal so held dismissing an appeal by the Commission for Racial Equality from the dismissal by Mr Justice Macpherson (*The Times* October 28, 1991) of a judicial review application by the Commission of Racial Equality against Cleveland County Council for an act of discrimination contrary to the 1976 Act by transferring a child, at his mother's request, from one maintained school to another and for an order requiring the Secretary of State for Education and Science to determine according to law, whether there were grounds upon which he could and should exercise his statutory default powers under the Education Act 1944-1980.

The mother had written to the council asking for her daughter to be transferred from the council's school at Abingdon Road, which had a large number of Asian pupils, to Martin Grove School which was predominantly white. The council complied with the request.

Mr Stephen Sedley, QC and Mr Robin Allen for the CRE; Mr James Goodie, QC and Mr Lionel Persey for Cleveland; Mr J. R. McManus for the education secretary; Mrs Jennifer Carter, parent, in person.

LORD JUSTICE PARKER said that the council had considered the request to be based on racial grounds and was reluctant to comply with it but on taking legal advice was informed that under section 6 of the 1980 Act it had no option but to do so.

Whether or not the council was justified in constraining the request as being based on racial grounds it was plain that the judge concluded that it was not in fact so based. On the evidence, the judge was right in reaching that conclusion. The mother could leave the court with no racist stain on her.

Prior to the 1980 Act local education authorities were obliged, when considering initial admissions or transfers to their

schools, to have regard to parental preference. By section 6 of the 1980 Act they were under a mandatory duty, save in the instances stated in section 6(3), to comply with such preference.

In the instant case the council was obliged to comply with the mother's request, otherwise it would be in breach of section 6.

The CRE contended that the mandatory and apparently unqualified duty under section 6 was qualified and overridden by section 18 of the 1976 Act, as amended by section 33(1) of the 1980 Act.

The case for the CRE depended on a local education authority's duty under section 6 of the 1980 Act being a function not falling under section 17 of the 1976 Act.

It was only if so, that section 18 applied and created or could create two conflicting duties the duty under section 6 of the 1980 Act to comply with parental preference whether such was expressed or not subject only to section 6(3) and the unqualified provision in section 18 of the 1976 Act that it was unlawful for an LEA in carrying out its functions to do any act which constituted racial discrimination.

Since in his Lordship's judgment there was no conflict, the section 6 duty was not a function. His Lordship could only accept that conclusion if there were no other way of resolving the apparent conflict between section 6 and section 18.

The judge concluded that the section 6 duty was not a function. His Lordship would hold that the council's duty under section 6 was qualified by section 18.

The case for the CRE depended on a local education authority's duty under section 6 of the 1980 Act being a function not falling under section 17 of the 1976 Act.

It was only if so, that section 18 applied and created or could create two conflicting duties the duty under section 6 of the 1980 Act to comply with parental preference whether such was expressed or not subject only to section 6(3) and the unqualified provision in section 18 of the 1976 Act that it was unlawful for an LEA in carrying out its functions to do any act which constituted racial discrimination.

In that connection it was important to analyse the position of the council in the first school.

The withdrawal of the first school was not something which the council could prevent whatever the grounds expressed or otherwise might be. If the council did commit an act of segregation it

would be to avoid conflict.

If the council "acted" or failed to

refuse admission on the simple ground that it had been advised to do so.

On any ordinary use of language it did not appear his Lordship that the council's "act" amounted to segregation.

Lord Justice Nolan and Lord Justice Kennedy agreed.

Solicitors: Hodges Jones & Allen; St Pancras: Lee Bolam & Lee; Westminster for Mr Alan J. Hodgkinson, Middlesbrough: Treasury Solicitor.

could only have been by complying with the preference for admission to Martin Grove.

The act of discrimination, if there was one, could, in his Lordship's judgment, only be a failure to refuse admission to Martin Grove. The questions to be answered were: (a) could such a failure amount to an "act" within section 18(1) of the 1976 Act? (b) if so, was it on racial grounds? (c) if so, did it amount to segregation?

His Lordship did not consider that the council's failure to refuse admission was an act within section 18(1). There could only be one answer to (b) and that was "no".

The council "acted" or failed to refuse admission on the simple ground that it had been advised to do so.

On any ordinary use of language it did not appear his Lordship that the council's "act" amounted to segregation.

Lord Justice Nolan and Lord Justice Kennedy agreed.

Solicitors: Hodges Jones & Allen; St Pancras: Lee Bolam & Lee; Westminster for Mr Alan J. Hodgkinson, Middlesbrough: Treasury Solicitor.

Candidate cannot have council offices as place of work

Parker v Yeo

Before Mr Justice Mantell and Mr Justice Latham

[Judgment July 24]

A retired person whose work consisted of his duties as a local councillor was not qualified, under the provisions of section 79(1)(c) of the Local Government Act 1972, to be re-elected to the council on the basis that he was a person whose "principal or only place of work" was within the council area.

The Queen's Bench Divisional Court so held, on an election petition in the form of a special case stated by Dorothy Ann Parker, when deciding that the election of Raymond Yeo to the St David's ward in the City of Exeter was void.

Mr Stephen Sedley, QC and Mr Robin Allen for the CRE; Mr James Goodie, QC and Mr Lionel Persey for Cleveland; Mr J. R. McManus for the education secretary, in person.

LORD JUSTICE PARKER said that the council had considered the request to be based on racial grounds and was reluctant to comply with it but on taking legal advice was informed that under section 6 of the 1980 Act it had no option but to do so.

Whether or not the council was justified in constraining the request as being based on racial grounds it was plain that the judge concluded that it was not in fact so based. On the evidence, the judge was right in reaching that conclusion. The mother could leave the court with no racist stain on her.

Prior to the 1980 Act local education authorities were obliged, when considering initial admissions or transfers to their

schools, to have regard to parental preference. By section 6 of the 1980 Act they were under a mandatory duty, save in the instances stated in section 6(3), to comply with such preference.

If conflict was to be avoided there had to be some saving. That was to be found in section 41(1)(a) of the 1976 Act. On that basis no conflict arose and it had to be presumed that Parliament intended no conflict.

The judge concluded that the section 6 duty was not a function. His Lordship could only accept that the conclusion if there were no other way of resolving the apparent conflict between section 6 and section 18.

Since in his Lordship's judgment there was no conflict, the section 6 duty was not a function. His Lordship would hold that the council's duty under section 6 was qualified by section 18.

In that connection it was important to determine whether the judge's solution should be accepted. Accordingly, his Lordship would hold that the council's duty under section 6 was qualified by section 18.

The case for the CRE depended on a local education authority's duty under section 6 of the 1980 Act being a function not falling under section 17 of the 1976 Act.

It was only if so, that section 18 applied and created or could create two conflicting duties the duty under section 6 of the 1980 Act to comply with parental preference whether such was expressed or not subject only to section 6(3) and the unqualified provision in section 18 of the 1976 Act that it was unlawful for an LEA in carrying out its functions to do any act which constituted racial discrimination.

The various aspects of the respondent's work were said to be representative of the work of most elected councillors.

If the words "principal or only place of work" fell to be understood in isolation and given a purely literal construction, there was no question but that what the respondent did in performing his duties as a councillor could properly be described as work and that the only place, and certainly the principal place, where he performed those duties fell within the relevant area.

It could not be right that Parliament intended that a person should be qualified to be elected to carry out the duties of a member of a council simply by virtue of his having carried out those duties for the previous year.

Lord Justice Latham agreed.

Solicitors: Steel & Shamash; Lambeth; Penningtons; DPP.

Faith in schooling

Jonathan Sacks ponders exams and family values

John Patten could hardly have hoped for a more rapid and stunning confirmation of his white paper on education. Heading this week's *Sunday Times* list of schools performing best at A level were two London comprehensives which fulfil to the letter his vision of the place of religious and moral values in education. Hasmonean High School for Girls and the parallel Hasmonean High for Boys are orthodox Jewish establishments. They were built on and unashamedly project a distinctive religious ethos. They have outperformed all other state schools in the country. Other orthodox Jewish schools, such as King David High in Liverpool and the Jewish Free School in Camden, did only marginally less well.

I confess to a personal interest in the results. Our elder daughter is a pupil at Hasmonean High, and all three of our children attended its preparatory school. The irony is that when we chose the school, academic performance was our last and least consideration. We wanted a school that would be supportive of our values as a family, and an environment in which our religious faith and traditions would be taken seriously and in which right and wrong were not meaningless words. We sought a school where the life of the mind is developed in the context of other, no less important values: belonging to a community, respect for others and responsibility to society.

We have been richly rewarded. The paradox of the Hasmonean schools' success is that their teaching staff probably rate academic results relative low among their priorities. Pupils are taught the importance of collective worship. They are encouraged to engage in welfare work with the elderly and to raise money for charitable causes. Many of them go on to pursue specifically religious studies before taking up places at university. Academic achievement as measured by GCSEs and A levels is a by-product rather than the central thrust of the ethos of the schools. And here, I believe, lies the moral to be learned from their success.

For far too long, thinking about education has been dominated by a fallacy: the belief that schools are independent variables, islands untouched by the moral ebb and flow of the society surrounding them. To improve results one must improve schools, which is a largely technical matter involving teacher training, learning materials and curriculum development. There is much in this view that is true. But it touches on less than half of the truth. From the acres of educational research produced here and elsewhere, two other propositions emerge, overshadowing all else.

The single most potent factor in individual academic success is parental involvement and support. And the single most striking feature of successful schools is their clear sense of collective purpose. These are matters not of technique but of value, and they immediately set the school in the wider context it deserves. A society doing nothing to combat the disintegration of the family will yield academic underachievement however technically excellent its teachers. A community not held together by shared values will fail to produce outstanding schools.

Judaism sets the highest religious value on education. Through its schools, the community has transmitted its values across the generations through study, pupils internalise the individual and collective moral responsibility at the heart of the Bible. These are neither liberal nor secular premises. But I believe they promote more effectively than any alternative the values that Western societies have come to cherish: universal access to knowledge, the dignity of the individual and personal growth. Jews predicated their survival on schools and their spirituality on education, and it has worked. Judging by this week's results it still does.

John Patten, with commendable clarity, has had the courage to say what needed had to be said. Schools are shaped by it and shape it in turn. Education is a moral enterprise and, in the fullest sense of the word, a spiritual one as well. A school performs best when it encourages the participation not only of its pupils but of their parents and when it creates a moral community with roots deep in the traditions of which they are a part.

Dr Jonathan Sacks is the Chief Rabbi.

Hillary Clinton and Barbara Bush are being forced to hide their political talents, says Ben Macintyre

James Joyce thought you could "always see a fellow's weak point in his wife". Nowadays, the wives of American presidential candidates are playing a more prominent, if symbolic, role than ever before.

Barbara Bush's unglamorous surface went down a storm at the Republican convention, while Hillary Clinton — unfairly portrayed by right-wing Republicans as a "radical feminist" — is increasingly perceived as her husband's weak point.

The election is being fought largely over women: this year, the women running for office are more numerous and more capable than ever, and "family values" and abortion have dominated the political debate.

Seven million more women than men voted at the last three elections, and their votes will plainly prove critical to the outcome in November.

American women enjoy more freedom and power than their counterparts in any other country (including Britain), yet the candidates' wives (both presidential and vice-presidential) have found themselves playing roles more reminiscent of dutiful 1950s housewives than indepen-

dent, politically-minded women of the 1990s. Thanks to the "family values" debate, the battle between the wives has been reduced to a cookie-baking competition, a homelier-than-thou tussle which demeanes all the advances made by American women in the last 50 years, and belies the real personalities of the women who would be America's first ladies.

Barbara Bush has established a remarkable cameo role for herself: firm in belief but short on politics, dignified, genuine; the white-haired keeper of the nation's morals, unsullied by the hypocrisy of politicians — a sort of cross between Grandma Walton and the Queen Mother. Before her convention speech, Mrs Bush claimed she had not read the Republican manifesto, and her own speech was a triumph of home-baked nonsense: "However you define family, that's what we mean by family values," she said, without irony.

Nothing could be further from the real Barbara Bush, who is not only an extremely wily political operator, but tough as tarmac and with a clear agenda of her own. She was largely responsible for the firing of John Sununu, she rigorously controls access to the president and is merciless in freezing out any who crosses the line.

But when Barbara Bush took the stage last week, upholstered in some sort of curtain material, it was as the stand-by-your-man, apple-pie grandmother of 16 (and millions more), and the delegates loved it. "Barbara for President", read one of the signs held aloft.

Similarly, Marilyn Quayle, who is by any standards a more adept politician than her husband, referred to her address as "a teeny, weeny little talk", and told the faithful (to ecstatic chants) that "most women do not want to be liberated from their essential natures" — ie maternal, uxorious and unthreatening. To prove her point, Mrs

Quayle has given up her legal career to support her husband.

At the start of the campaign, the Democrats promoted Hillary Clinton as an independent-minded, tough-talking new model woman, combining a thriving law practice with family life and a relationship of equality with her husband. That back-fired badly. Articles written by Mrs Clinton on child law and marriage were quoted out of context, and the Republicans have turned her into a symbol of emasculating feminism.

After some emergency image-surgery, the old Hillary Clinton has now disappeared without trace. She has forsaken the power suits for a teenage hairband and gazes at her husband on public occasions with doe-like adoration. At the Democratic convention, she hugged her family, danced a little on stage, and hardly opened her mouth. For the image-consultants, this was a triumph: for many women who had been comfortable with Hil-

lary Clinton as a wife and professional, it was an insult.

Similarly, Tipper Gore, once a prominent political campaigner in her own right and on her own issues, has melted into the background. Let voters imagine that she, rather than Al Gore, wears the jogging shorts in the family.

Four intelligent, independent, politically-active women have been reduced to little more than symbolic wives and mothers; although they are much else besides. Partly this reflects a fear, exacerbated by Nancy Reagan's manipulations, of the over-powerful presidential wife; but it is also evidence of the prejudice deep in the mythology of America that politics is for men.

Yet while the political consultants may be able to transform the parties' most prominent spokeswomen back into housewives, they cannot reverse half a decade of rapid female emancipation, and there is evidence that the nostalgia for the little women of yesteryear is not playing well

among women voters. While Pat Buchanan's intermarriage swipes at the independent Hillary Clinton were cheered by the Republican faithful at Houston, they have not improved Mr Bush's standing among women, which is already dangerously low. Career-minded women of both parties have been shocked at the speed with which Hillary Clinton rushed back to the kitchen and the cookies when her "family values" were questioned.

Once seen as a vote-winner for the Democrats, her views and career are now a subject to be avoided: "If George [Bush] wants to run against my wife, it's OK with me if he wants to be first lady," says Bill Clinton, "but I don't want to live with him." End of discussion.

Liberated American women rightly argue that they should choose whether to be wives and mothers or politically-motivated career women, or both. What many find galling is that politics seems to require would-be first ladies to pretend to be one kind of woman when they are obviously another. Whichever wife is in the White House after November, she is stirring things, but not in the kitchen.

Can the royal family survive?

A wave of scandal is undermining the standing and authority of the Crown, argues Janet Daley

On Saturday, the Duchess of York's transgressions seemed to be overshadowing the marital problems of the Prince and Princess of Wales. By this week, tape-recordings which purport to offer evidence of an improper attachment between the future queen and a male admirer were being published in daily instalments.

The tape could prove to be a fake, but given the public's sceptical attitude after the publication of pictures of the duchess on her San Tropez holiday with her financial adviser, Mr John Bryan, rumour and gossip are bound to dog the family. Sadly,

whether the tabloid claims are true or false, they are sure to

propel the princess and the heir to the throne into the heart of the debate about the future of the monarchy.

The story as it unfolds is no longer high tragedy, but low comedy. Purists who insist that none of this sordid carry-on

matters in constitutional terms are missing the point. Britain creates its institutions by accretion. The monarchy as we know it is the sum total of assumptions and accommodations passed down through generations of royal advisers. With hindsight we can see what a risk it was to attempt to renew the stability and honour of the throne after the abdication crisis, by turning the royal family into a god-like

historical integrity of the nation is above politics. It is very difficult, even for those reared to the task, to be mythical and bourgeois at the same time. Accepting a Windsor as the sacred receptacle of all that has unified England since Henry VII requires a suspension of disbelief at the best of times, but there are many who argue, in ways which do not seem altogether famous even to a republican, that the existence of a non-political head of state is a good thing.

And it is hard not to agree

that the abolition of the monarchy would be so massively traumatic to legal and parliamentary procedure that a written constitution would inevitably be required to fill the vacuum.

Having grown up in a country with one of the most some written constitutions imaginable. I need little persuading that such a result is to be avoided at all possible.

Having recreated itself in a self-contradictory image — that of an ordinary, congenial family which happens to have inherited the consecrated spirit of the nation — the monarchy now finds that the two roles have

become hopelessly confused in the public imagination. If they are not the stable family which we have supposed them to be, then that must also corrupt their function as inheritors of the divine right to rule.

It is no good pedantic constitutionalists arguing that the legal

status of the crown is not compromised by private scandal or even irresponsibility. Of course, in a narrow technical sense, it isn't. But the country has

been led to believe something quite specific that the family

life of these people is crucial to their position. That this is what links them to their subjects, as much as anything because in a modern democracy, it seems unacceptable to be ruled by people whose personal expectations are widely unlike those of most people.

So they are stuck with it. If they fall to stand for all that we wish to idealise in our own domesticity, they will be in dispute and the throne itself will come into question.

Marital peace and sexual purity are not optional extras.

They are of the essence. (This was implicitly acknowledged when, at the time of her engagement, it was widely suggested that the future Princess of Wales was a virgin.)

Even a purely symbolic institution must symbolise something other than the need for such an institution. Stripped of the happy



Pillar of respectability: only the Queen can restore the family's image

family image, the monarchy becomes an expediency to which we cling for fear of something worse.

I cannot see how this saga can possibly have (from the monarchist's point of view) a happy ending. After this most recent spate of genuinely risible publicity, it seems unlikely that Princess Diana can become queen (and there is some evidence that she does not wish to do so). There has been much dispute about whether Charles could reign if he were divorced. His claim as head of an established church appears to make the idea insupportable.

If he abdicates in favour of his son, the rearing of Prince Charles' children becomes a very awkward matter. She is still well-loved in the country and even among those less than entranced, there can be little doubt

that she is a devoted mother. To take her children from her would be a move of such cataclysmic unpopularity that it might well bring down the monarchy in and of itself. But what if she leaves the family and raises the prince outside it, perhaps even with a stepfather? (Contrary to much of the speculation about the future of the children of both the Princess of Wales and the Duchess of York, there is no longer a legal concept of child custody. Since the Children Act of 1989, divorced parents automatically have "shared parental responsibility". Although there would still be a question of who the children would live with, the nastier wrangle over official "custody" would not arise.)

This would not resolve the problem of the immediate succession, but given the likely longevity of the Queen, there is time to live down a great deal of notoriety to be lived down. By then, however, we might just have found a rather more sensible way to preserve our spiritual inheritance than by embedding it in the person of a single fallible human being.

...and moreover

PETER BARNARD

Let me be clear right at the outset (John Major writes) that no one should feel the slightest shame at being confused and disoriented by the sheer volume of terrible problems that we are all supposed to be worrying about at the moment. Bosnia, Iraq, Somalia, the Duchess of York, the Princess of Wales. Pakistani swing bowlers ... the list is endless. I am as concerned as you. Yes, Pakistan are definitely up to something.

Yet this is August. You were promised a media silly season. You were entitled to expect mainstream newspaper headlines that looked as if they had been lifted from the *Daily Sport's* inside pages: instead the *Daily Sport* has been left looking as dull as ditchwater by the mainstream press. Jolly confusing.

What I want to do today is explain another, more important, one that has been occupying as much as two paragraphs in the tabloids, namely the so-called sterling crisis. When we joined the EEC (as it was then called) back in the late 19th century the world was a very different place. In fact, it was not the same world that it is today. Britain had a quite independent currency which answered to nobody except the people whose care it was in, namely the Federal Reserve Bank in Washington.

As I may have said, the world has changed since then. It is a different place. For one thing, the EEC has turned into the EC (nobody can quite remember when that happened), thus removing the limits imposed by the dread

word "economic", freeing Italian politicians to say where

British motorways can be built and enabling our own politicians to demonstrate their vast currency expertise by pronouncing on the allowable ingredients in the Bavarian sausage. These great leaps forward will enable us to introduce completely free trade by the middle of the 22nd century, a moment to which I know you are all looking forward.

But in this changing, different, world, one thing has hardly changed at all. The pound remains a totally independent currency subject only to the people whose care it is in, namely, the Bundesbank in Bonn. The pound is

the snake in the basket called the Deutschmark.

So what is to be done? I have never been in favour of manipulating the money markets, a process best left to teenagers in red braces, as befits a pluralist democracy. But there are occasions when a billy has to be taught a lesson. So we have taken decisive action, as you will know from the announcement by Buckingham Palace earlier today.

You may be saying to yourselves what has buying a mansion in Heidelberg for the Duchess of York got to do with the sterling crisis? An understandable question through a mite unsophisticated if I may say so with due respect. Let me say first that those who have attacked the

Duchess of York for leaving

Heathrow with 97 suitcases are guilty of a dreadful slur. These cases did not, as the tabloids reported, contain 4,000 bikini tops. They in fact contained 4 billion Deutschmarks.

These will be leached on to the German currency markets in exchange for pounds, thus securing the future of sterling for many years to come. I am optimistic that this move will enable us to reduce interest rates very shortly, thus restoring our competitiveness and maintaining our economic sovereignty.

Anyone for Number 11?

AS THE pressure on sterling continues, Norman Lamont has decided he needs some fresh ideas. The chancellor is looking for a rising star from the City to bolster his Treasury advisory team. The departure to lucrative City posts of Warwick Lightfoot and Alistair Ross Goobey, two of Lamont's three economic advisers, has left a hole in the chancellor's kitchen cabinet.

Apart from his civil servants, Lamont can now rely only on Bill Robinson, formerly of the Institute of Fiscal Studies, and the political advice of David Cameron, aged 25, a former member of the Tory Central Office "brat pack". He is anxious to supplement his team with someone with hands-on

experience. According to

Ross Goobey, who worked for both

Nigel Lawson and Lamont (on a salary reported to have been £54,000 a year), a pure economist is not the answer. "There are

already plenty of those at the Treasury to second-guess each other. He wants someone who has direct experience of market participation."

Ross Goobey, who described himself as Lamont's bag-carrier and personal assistant, says: "Of course the City makes its views known, but its message to the chancellor can be diverted by civil servants or junior ministers. If the chancellor has someone who

knows the market — having recently

been part of it — the message will not become so blurred."

So far the chancellor seems to have drawn a blank. But City gossip has linked Peter Spencer, a director of Kleinwort Benson, with the post. More intriguing is the suggestion that Gavin Davies, head of invest-

ment research with Goldman Sachs, is the man for the job. If Labour had won the election, Davies had been expected to do a similar job for John Smith as chancellor. His wife Sue Nye, spent nine years working for Neil Kinnock.

• Whether or not the bugged royal phone call is a hoax, royal reporters on tabloid newspapers have no doubt that bugging is rife, particularly of the mobile phones on which their trade relies so heavily. So convinced are they that their calls are monitored by the security services that the pack have devised codenames for each other. One well-known female royal watcher in what is an almost exclusively male preserve uses the codename "the queen". Andrew Morton, however, leaves nothing to chance. He has installed a scrambler.

Troubled water

SO WHO watches the watchdogs? There are red faces at the National Rivers Authority, the body which polices polluters of Britain's water, following suggestions that the NRA itself is to blame for the pollution of the sea at Weston-super-Mare, which as a result has failed to win a Blue Flag for cleanliness. The NRA was carrying out frantic tests at the weekend to discover whether its July dredging work in

the estuary of the River Axe is indeed the reason why water samples taken at Weston on August 1 failed to come up to EC standards.

The test appears to have soured the resort's chances of regaining its "clean beach" status, and the town authorities have little doubt that the王者 is itself to blame.

An NRA spokeswoman says the dredging work was "routine", but concedes there is a possibility that this activity could have carried bacteria into the bathing water at the resort. An appeal is planned but don't hold your breath. The test was carried out by the NRA's own scientists.

• Veteran actor Robert Mitchum, 75 this month, is the latest to rule himself out of the lead role in the



THE BALKAN TRAGEDY

Tomorrow sees the opening of the London conference on the future of what was Yugoslavia, a country now fractured into feuding communities. Seldom has a "peace" conference opened less auspiciously. Seldom has a gathering of smart-suited leaders, each with his own agenda hundreds of miles from the scene of a conflict, seemed so irrelevant to the agony of its victims. Serbian aggression against Bosnia has all but triumphed but nobody in London has an interest in admitting this. Posturing will be the order of the day.

Bosnia is not alone in its plight. It is not the only place experiencing the obscenities of civil war, population displacement, random mortaring and sniping, attacks on relief workers and political mendacity. No less atrocious for being less publicised are conflicts in Iraq, in Azerbaijan, in Georgia, in Afghanistan, in Burma, in Somalia, in Indonesia. Many one-time states in Africa are now states no more, but borderless entities in which gangs fight for control of food supplies in cities, surrounded by an anarchic bush.

Most humans not involved in these conflicts respond to them with humanity, by giving to charity. But how should liberal democratic governments respond? by sending troops, by declaring economic war on those involved, by offering advice, by moral posturing? All have been on display in Yugoslavia. The initial liberal reaction to the breakup of former communist regimes was to cheer the emergence of national identity. This enthusiasm soon gave way to ambivalence. The removal of an authoritarian regime was one thing, the removal of all central authority was another. From Kurdistan to Slovenia, from Slovakia to Somalia, foreign ministers began to talk of "visibility", of the need for "interposing forces", of the importance of continued stability to a proclaimed new world order. A feature of such order was a respect for existing state boundaries.

To those holding such a thesis, the ultimate fear has come to be the degeneration of states into their warring ethnic components. This tends to cause the mass movement of refugees as a result of civil war and that horror of every central ruler, whether democratic or autocratic, partition and "Balkanisation". Yet the collapse of a longstanding supranational authority rarely ushered in a smooth transition to self-determination and democracy. It did not do so in India or in most of Africa. It did not do so in the Middle East, in South-East Asia, in the old Soviet Union, in post-communist central Europe. It has not done so in the supranational mini-empire of Tito's Yugoslavia. Partition and enforced population displacement has often proved the lesser evil to continued civil war and genocide.

Democracy needs constant grass-roots sustenance. A long period in which political activity is forced to atrophy leaves no institutions in place to legitimise a new democratic authority. As a result, newly liberated citizens revert to the most elementary political instincts. They place their faith in family, in village, in ethnic and religious loyalty. They seek security from their own kind and treat others with suspicion, both those of a different language or religion and those who claim authority in a distant capital as inheritors of a corrupt elite. Authority and consent are localised. In the last resort to a boy with a machine gun. Constitutions have no force when territory must be protected and mouths fed. As in economics, so in politics, the first stage in evolution is microscopic, not macroscopic. The awful legacy of communism in the Balkans is that this first stage is having to be experienced all over again.

"Ethnic 'cleansing'" may seem incomprehensibly cruel to West Europeans, but it is a feature of many intrastate conflicts and of the collapse of civil authority. The dispossessed Muslims of Bosnia are joining history's most crowded queue. India's Hindus and Muslims, the Palestinians, the Cypriots, the Soviet Jews and hundreds of other groups of refugees from territories they regarded as home. Those who dispossess them merit condemnation, perhaps in Serbia's case trial and punishment. But few countries have unsullied hands and can afford to be smug about the ethnic tribulations that afflict others, least of all Britain with its record in Northern Ireland.

The best that can be hoped from the London conference is that the brutality of the Belgrade regime in consolidating "Greater Serbia" can be publicised to induce it one day to permit the return of expelled refugees to their former homes. Reports from Bosnia (and Croatia) suggest that in the short term this is wishful thinking. Most fleeing Bosnian Muslims will seek shelter and security elsewhere. The manner in which they do so may constitute a lasting threat to Serbia's security from terrorism and revanchism. Sooner or later, in Bosnia as in the Middle East, if the dispossessed cannot get restitution they will get revenge.

In the case of Yugoslavia, restoration should not yet be removed from the agenda. If President Milosevic stands down at the forthcoming elections, which is possible, some flexibility — and humanity — may yet be shown by the Serbs. A more moderate regime and a new army command might persuade some Serbian frontier communities to switch their allegiance from the bandit chiefs and put their trust in civil leadership. But the truth is that they will be more likely to do so and when the grim reality of Serbia's successful aggression is acknowledged. Sooner or later winners and losers have an interest in the past being put behind them. Only then will Serbian enclaves feel secure enough to make the concessions implied by restoration to make their communities ethnically mixed again and then diversify their democratic institutions. This will be a long haul.

There is no short cut from dictatorship to democracy; the route starts at the bottom, in rekindling a sense of personal identity and security. Citizens must be able to recognise the integrity of home and hearth before they will delegate power, including the power to compromise with other groups, upwards to others. That delegation came slowly and often bloody in the political evolution of Western Europe. Frightened communities are always likely to be sceptical of centralised authority, especially communities long grown used to decentralisation.

The peoples of Yugoslavia as of most former communist states are patently nervous of making such upward delegation. The outside world can damn them as ferociously as it chooses. It will only make them even more nervous. Balkanisation may be an unappealing word. It looks dreadful on the television news, and is no less dreadful in countries where the camera still fears to tread. But Balkanisation appears in many parts of Europe and Asia to be a necessary precursor to the politics of post-communism. Dozens of former states are now "deconstructing", splintering into fragments, many of which are recognisable only by reference to the politics of the Middle Ages. The splintering is an agony. But there appears to be no antidote — short of reconquest by an imperial power.

Nobody at the London conference wants that. So a measure of humility might be the best policy, humility backed by charity and compassionate advice. That way the likely failure of the conference will be the less demoralising to its victims — and the less degrading to its participants.

ORIGIN OF SPECIES

As Britain's foremost presenter of wild-life on television, Sir David Attenborough's instincts are finely honed to detect the approach of a predator. In his presidential address to this year's British Association for the Advancement of Science meeting yesterday, he called on the scientific community to see off threats to natural history and all other scientific programmes on television. They were endangered, he claimed, by possible changes in programming policy at the BBC and ITV.

As the history of the British Association itself shows, there has always been more at stake in the presentation of science to the public than simply keeping the public informed. Science promotion tends to come with a certain view of humanity and society. So less science on television could not only mean less sympathy for the scientific enterprise among the public, hence less money; it could also represent a threat to the spell science exerts over the modern imagination.

The British Association was formed in the 1830s to promote public interest in the view that the universe was static. There was no Darwinian theory of evolution, no survival of the fittest, to move the development of species along. There was certainly no indifference among scientists about, in Stephen Hawking's phrase, knowing the mind of God. The British pioneers of natural history, such as Sir Richard Owen, made much of the discovery of dinosaur bones as evidence that God had directly created life in all its complexity.

The British Association's original objective was not to refute the Darwinians, who were not a serious force in science for another 20 years. It was to uphold the concept of a stable God-given order, both in nature and in politics, especially applying it to contemporary society in order to counter the revolutionary temptations of the age. The God who could make (and by divine command) unmake the dinosaurs and other hierarchies of living

things also by implication made the monarchy and the stable British class system. Therefore, came the hidden message, trifle with (and Hirn) at your peril.

This prevailing view was famously displaced by Thomas Huxley, who clashed with one of Owen's chief supporters, Bishop Wilberforce, at another celebrated British Association meeting in 1860. Though Wilberforce was present as a distinguished amateur scientist, Huxley claimed, tendentiously, to have refuted him as a spokesman for organised religion. This — or Huxley's later embellishment of it — marked the moment when Darwinism was enthroned at the pinnacle of scientific orthodoxy.

To the public 130 years on, Darwin's concept of the survival of the fittest remains unchallenged. Evolution has become what the philosopher Mary Midgley has called an alternative religion. But the years since Huxley's take-over of the British Association have not settled the argument. There are many biologists who admit that Darwinism's theory has grave limitations as an explanation of diversity and discreteness of living species. And evolution is a hypothesis which cannot be demonstrated by a repeatable experiment. As Sir Peter Medawar wrote: "There are philosophical and methodological objections to evolutionary theory."

So far these doubts have failed to change popular attitudes. But before the close of this year's conference, a popular attack on the "myth" of Darwinism, Richard Milton's *The Facts of Life*, will be in the bookshops. It is a readable digest for the layman of doubts the experts have themselves expressed. This could shake the "religion" of evolution as much as *Honest to God* shook popular Christianity 30 years ago. All the doubters about Darwinism lack a convincing new theory: they cannot go back to Sir Richard Owen's of 150 years ago. The search for a better theory is now wide open. Sir David Attenborough may be assured that the search will make fascinating television.

Call for UK help for Somaliland

From

Mr Alan Michael, MP for Cardiff South and Penarth (Labour)

Sir, As Sir Philip Goodhart points out in his letter of August 20, Britain has particular links with Somaliland, formerly the northern province of Somalia. It was a British colony from 1884 until 1960 and declared itself the independent Republic of Somaliland in May 1991. The interim government there has a chance of success, but it is faced by a cruel

but it is a feature of many intrastate conflicts and of the collapse of civil authority. The dispossessed Muslims of Bosnia are joining history's most crowded queue. India's Hindus and Muslims, the Palestinians, the Cypriots, the Soviet Jews and hundreds of other groups of refugees from territories they regarded as home. Those who dispossess them merit condemnation, perhaps in Serbia's case trial and punishment. But few countries have unsullied hands and can afford to be smug about the ethnic tribulations that afflict others, least of all Britain with its record in Northern Ireland.

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French referendum

From Mr Graham Duffies

Sir, Your leader of August 17, "Long French shadow", fails to identify a very obvious choice open to the prime minister in his continuing difficulties over the Maastricht treaty.

Yours sincerely,

ALUN MICHAEL
(Chairman, All-party parliamentary group on Somalia). House of Commons.

August 21.

French referendum

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Yours sincerely,

GRAHAM DUFFIES
(Treasurer, Campaign for a British Referendum, 6 Station Road, N21).

August 17.

From Sir Anthony Meyer

Sir, The Tony sceptics who, according to Robin Oakley's report today, will be urging the French to reject the Maastricht treaty (and in so doing making common cause with the extreme left and the extreme right) will find rather more of their compatriots in the field urging the French not to betray their great European tradition and reminding them how disastrous it would be if Lady Thatcher's ideas of unbridled nationalism were to wreck the vital but fragile compromise enshrined in the Maastricht treaty.

Yours faithfully,

ANTHONY MEYER
(Policy Director, European Movement UK, Europe House, 158 Buckingham Palace Rd, SW1).

August 17.

Forestry's future

From the Chief Executive of the Woodland Trust

Sir, In your report, "Growing spur over future of forestry" (August 19), a Timber Growers United Kingdom survey concludes that almost three quarters of woodland owners in Britain regard the Forestry Commission's revised woodland grant scheme (WGS) as "disappointing or irrelevant".

While those primarily involved in timber growing may hold that view, I suggest that a different reaction may be forthcoming from organisations such as ours (we own nearly 17,000 acres of broadleaved woodland in Britain) which give a higher priority

LETTERS TO THE EDITOR

1 Peunington Street, London E1 9XN Telephone 071-782 5000

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Pollution trap of new land registers

From the Chief Executive of the Royal Institution of Chartered Surveyors

Sir, The government plans for setting up registers of land potentially contaminated by industrial and other pollution are, in our view, inadequate.

The revised proposals recently announced (report, July 29) will give local authorities 15 months to complete registers of all land on which one of a number of potentially contaminating processes may have taken place in the past. There will be no money and no time for site investigation.

Once listed, a site cannot be disposed of but only, at best, moved to a second "contaminated land" register. A careful authority will naturally err on the safe side in listing more land than is necessary, because it could face legal action through failure to list a site.

Here are the consequences. First, the recent hard-won success in bringing back some development to cleared urban sites will be reversed. There is a limit to how many car-parks we need and there will be few other uses for urban land on the registers. All development pressure will once again be for new, greenfield sites.

Secondly, most small businesses

depend on their building assets — either work premises or owners' homes — to secure bank borrowings for working capital and investment. If the council bureaucrat's pen draws the boundary on one side of the businessman's workshop, all will be well. If on the other side, the bank may rapidly call in its lendings because the building value will have collapsed overnight as the first register is published. In the Black Country 50 per cent of land is said to be liable for listing: how many small businesses there will face this credit crunch?

Thirdly, homeowners on registered sites could find their homes unsaleable, even in an active market, and unmortgageable any time.

Mr Major and Mr Lamont are searching for signs of economic recovery. They want to see a renewal of confidence and activity, both amongst small businesses and in the housing market. Do they understand that the Secretary of State for the Environment is pointing his blunderbuss at their feet?

Yours faithfully,
MICHAEL PATTISON,
Chief Executive,
The Royal Institution of
Chartered Surveyors,
12 Great George Street,
Parliament Square, SW1.

Croatian stance at London talks

From the Representative of the Republic of Croatia in the United Kingdom

Sir, I find repugnant the attempts at self-justification by Dr Karadzic, the leader of the Serbian community in Bosnia (letter, August 19). He cannot hide the continued massive infringement of human rights in Bosnia. Can this be the same Dr Karadzic who spent months denying that ethnic cleansing was taking place, and who sought to refute the existence of concentration camps and their bestial regimes?

Dr Karadzic's attendance at the peace conference — as well as that of Mr Milosevic, President of Serbia, and Mr Cosic, President of "Yugoslavia" — is going to be at the very least distasteful. It was Mr Cosic who promulgated the infamous "memorandum" which first enunciated the claims to a philosophical basis for the practice of ethnic cleansing now being carried out by the Serbian forces under the leadership of Mr Milosevic.

The truth is that both Croatia and Bosnia will welcome positive intervention from any international body that will restore natives of Bosnia to their rightful homes. We are all concerned that Islamic countries will be sucked into the maelstrom that will ensue if Serbian aggression is not curtailed by every means available. Substituting humanitarian aid for urgently needed peace-making activities is like giving aspirins to a seriously-ill patient who could be saved only by an operation.

If the peace conference fails, I believe that there will be no alternative but for Nato forces to be deployed in the Balkans in peace-making operations. I fully understand the recent reluctance of Nato planners to commit themselves to this path, as it is essential that they demonstrate their effectiveness on the first-ever occasion that out-of-area deployment occurs.

The government of the United States, while themselves reluctant to commit troops on the ground, should contribute air power, through Nato, for selective strikes against Serbian supply lines, in order to restore the military balance in the region. The much talked-of necessity for extensive Western ground forces to be deployed in Bosnia could be reduced by lifting the arms embargo on the battered republics.

It is impossible to say to what degree Dr Karadzic's opinions are representative of the views of the Serbian community in Bosnia at the present time. I would like to extend the hand of friendship to those members of that community who are genuinely committed to a vision of Bosnia and Croatia where old enmities are forgotten and where communities work together to guarantee prosperity rather than disease and death for their children.

Dr Karadzic's letter is yet another example of his attempts to buy time for the present Serbian regime and its genocidal policy. In my view, there should be an international war crimes tribunal at which all the Serbian hierarchy are brought to account for their deeds.

Yours faithfully,
DRAGO STAMBUK

(Representative of the Republic of Croatia in the United Kingdom), 18-21 Jermyn Street, SW1.

August 24.

Plastic licence wallets

From Mr Christopher Boulter

Sir, I note the correspondence from Mrs E. P. Wetherall (letter, August 13) and Mr R. J. Verge of the Driver and Vehicle Licensing Agency (letter, August 19) on whether the saving in the issue of plastic wallets for driving licences is "penny wise, pound foolish". It is entirely a matter of one's own involvement.

The DVLA may save time, trouble and expense in providing them only on a "request" basis, but courts and police will no doubt find it increasingly more difficult to read dirty, damaged or defaced licences.

At least if a licence is in its folder when it goes through the wash or falls in oil there is a chance of it remaining legible. If it is in a damaged condition I direct that the licence be sent to DVLA to deal with.



COURT CIRCULAR

BALMORAL CASTLE
August 23: Divine Service was held at Crathie Parish Church this morning.

The Reverend John Chalmers preached the sermon.

Mr Cecil Ritchie was received by the Queen when Her Majesty decorated him with the Royal Victorian Medal (Silver).

BALMORAL CASTLE
August 24: This evening The Prince of Wales, Colonel-in-Chief, Gordon Highlanders, took the salute at the Edinburgh Tattoo, Edinburgh Castle.

Captain John Warburton-Lee, Welsh Guards, was in attendance.

Birthdays today
Mr Martin Amis, author, 43; Air Chief Marshal Sir Michael Armitage, 62; Mr Conrad Black, chairman, *The Daily Telegraph*, 48; Mr Sean Connery, actor, 62; Lord Dunsany, 86; Sir Malcolm Field, chairman, Navy and Army Air Forces Institutes, 55; Dr Desmond Flower, former chairman, Cassell and Company, 83; Mr Frederick Forsyth, author, 54; Mr Andrew Gairdner, academic, 60; Professor Peter Gray, master, Gonville and Caius College, Cambridge, 66; Viscount Hardinge, 36; Sir Donald Logan, diplomat, 75; Lord McGregor of Dursis, 71; Mr Brian Moore, novelist, 71; Miss Margaret Rothwell, diplomat, 54; Sir Crispin Tickell, warden, Green College, Oxford, 62; Mrs M.S. Treneman, former principal, St Anne's College, Oxford, 73; Professor Anne Warren, physiologist, 52.

Anniversaries
BIRTHS: Mrs Harte, writer, Albany, New York, 1836; Leonard Bernstein, composer, New York, Massachusetts, 1918.

DEATHS: Sir Henry Morgan, businessman, January 1688; David Hume, philosopher, Edinburgh, 1776; Sir William Herschel, astronomer, Hanover, Slough, Buckinghamshire, 1822; Michael Faraday, physicist, near Hampton Court, 1867; Friedrich Nietzsche, philosopher, Weimar, 1900; Henri Fanzi-Latour, painter, Paris, France, 1904; Gregori Zinov'ev, revolutionary, executed, Moscow, 1936; George Duke of Kent, killed in an air crash near Dumbeath, Highland, 1942; George Lincoln Rockwell, American Nazi Leader, murdered, Arlington, Virginia, 1967; Stanley Bruce, 1st Viscount Bruce of Melbourne, prime minister of Australia 1923-29; London, 1967; Truman Capote, writer, 1984.

Luncheon
Rotary Club of London
Mrs Claire Rayner was the speaker at a luncheon of the Rotary Club of London held yesterday at the Marquis of Granby Hotel. Mr Neville Shulman, president, was in the chair. Among other present were Sir Sigmund Sternberg, Mr Ken Sturman, Mr Paul Vacher, Mr Roy Sturman and Mr Theo Betzen.

Lord Hayhoe
The life barony conferred upon Sir Bernard John Hayhoe has been granted by the name, style and title of Baron Hayhoe of Isleworth in the London Borough of Hounslow.

University news

Cambridge

Selwyn College
Patrick J. Baet has been elected to a fellowship in connection with a joint appointment as college lecturer in social and political sciences in Selwyn College and New Hall.

London Royal Holloway and Bedford New College

Dr D Gollman has been appointed reader in computer science and Dr J Saunders reader in low temperature physics.

Appointments

Mr Henry George Heger to be High Commissioner to Namibia in succession to Mr F N Richards who has taken up a further Diplomatic Service appointment.

The following have been appointed deputy lieutenants for Berkshire: Mr William Alexander Palmer, of Shelsdon Common; Mr David Alfred William Gardiner of Liley, Newbury; Mr David John Staines, of Ashurst; Major George Raymond Symonds of Budebury; and Dr Thomas Edmund Tuxenham, of Wokingham.

Mr John William Kay, QC, to be a Justice of the High Court appointed to the Queen's Bench Division.

Lister Institute

The Lister Institute of Preventive Medicine has awarded three-year post-doctoral research fellowships to the following candidates as from the start of the session 1992-3:

Dr Catherine A Bouter, Department of Genetics, University of Cambridge; Dr Gwyn W Gould, Department of Biochemistry, University of Glasgow; Dr Alan H Heribson, Department of Neuroendocrinology, AFRC Institute of Animal Physiology and Genetics Research, Abraham Kiran Kirke, Laboratory of Physiology, University of Oxford; Dr Colin W Taylor, Department of Pharmacology, University of Cambridge.

SHAKESPEARE'S Globe Theatre may have had a different plan from that accepted by archaeologists and theatre historians until now, according to a new study. Pardy as a result of the study claims, English Heritage's recommendation for scheduling of the Globe site as an Ancient Monument has been deficient and could result in damage to the remains.

"One would have expected this particular site to have been treated with the utmost caution and afforded maximum protection," Martin Clout, an historian, says in the new issue of *London Archae-*

ologist

Mr Clout, destroyed part of the Globe estate has already been destroyed without prior archaeological investigation as a direct consequence of English Heritage's and the Department of the Environment's reluctance to schedule it.

The general location of the Globe, just south of Southwark Bridge, has long been known. Much of the site lies under Anchor Terrace, a listed building on the east of Southwark Bridge Road, but the estate stretched west under what is now Unisys House on the other side of the street: it was the construction of this building which, according to

Mr Clout, destroyed part of the estate specified in the lease of 1598. Although the theatre building probably lay further east, what stood there will now never be known.

Trial excavations by the Museum of London behind Anchor Terrace in 1989 revealed foundations, which have been interpreted as part of the galleries and entrance on the east-side of the Globe. It appeared that the second theatre had been built directly on the footings of the first, and the museum suggested that they were both polygonal structures 80ft in diameter.

The scheduling of the Globe

in December 1989 was based on those results, with a 37ft wide "doughnut" of extra ground around the remains for safety, but Mr Clout claims that "English Heritage have fundamentally misunderstood the nature of the evaluation. Because only tiny areas were dug to the Jacobean levels most of the archaeology and contents of the Globe estate are still unknown."

He also claims that the scheduling is confused, with "three different areas currently described as having been given statutory protection": there is a clash between English Heritage's description and the

Department of the Environment's official Schedule of Monuments. Illustration, which moves the entire area 20ft westwards.

The written schedule does not agree with its own plan, however, Mr Clout claims, since it specifies only a 16ft zone around the archaeological features. "This represents a radical reduction in statutory protection: only 30 per cent of the Globe estate and half the illustrated area," he says.

He also claims that the unscheduled area could be developed instead of being

preserved. The foundations uncovered so far are of different widths, and those of the "inner gallery" are 18in higher than a supposed contemporary land surface beside the outer gallery. There are also brick wall remains apparently earlier than the "inner gallery", and Mr Clout suggests that in fact the latter was the outer wall of the second theatre.

If so, the rebuilding was a few yards west of the original site, not on the same foundations, and thus not necessarily of the same plan.

Source: London Archaeologist 6: 407-414.

Clout, an historian, says in the new issue of *London Archae-*

Historian claims part of Shakespeare's Globe theatre has been lost

BY NORMAN HAMMOND, ARCHAEOLOGY CORRESPONDENT

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ANNOUNCEMENTS

DEATHS

ALLEN - On August 17th, suddenly at home, Robert John Richard, aged 80. Dear friend of Cheltenham and Funeral Services on Thursday August 27th at 2.45 pm. Mrs Alison, father of Michael and wife of Philip at Putney Vale 5.46 pm. Family flowers only.

BLACK - On August 22nd, peacefully at the Sun Rider Home, D.J. (Tommy), husband of the late Anna, Jean and mother of Mark, Sarah, Martine and Andre. Funeral Service at Reading Thursday August 26th at 11 am. Family flowers only, but donations to the Sun Rider Home, Dorking.

BYRDEN - On August 21st, to Sandra (née Cross) and Ian, a son, and Camille, sister for Chris.

CHRISTMAS - On August 21st, to Jane and Adrian, a son, John Lawrence, a daughter, Emma Charlotte, and a sister, Linda.

CHODOROWSKI - On August 20th 1992, in Lucinda rose Vassary and Justin, a daughter, Emma Charlotte, and a son, Christopher.

DIXON - On August 22nd, in Sydney, Dr. Ian Thomas, a son, and Louise Patricia.

HALLCROW - On August 9th, to Robert and Emma, a son, William, a daughter, Christopher.

HODGSON - On August 21st, to Caroline (née Thompson) and Christopher, a daughter, Lucy, 21.

JONES - On August 22nd at the Lindo Wing, St. Mary's, Paddington in Christina (née Probert) and Nicholas, sons and a daughter, Christopher and Anna, a son, George, a brother for Rose.

MEARS - On August 24th at the Royal Hospital, Chelsea, and Christopher, a son, Nicholas Charles Sims.

MILL - On August 22nd, to William (née Fether) and Edward, a son, Anthony.

POTTERING - On August 21st in Carolyn (née Rhodes) and Dennis, a son, Peter, a daughter, Charlotte, a sister for Katharine, Francesca and Archibald.

PRENTICE JONES - See Jones.

QUINCEY - On August 19th, to Dorothy Anne and Paul, a son, and Linda.

ROODER - On August 14th, to Susan, a son, Alastair, a daughter, Susan Heather, a daughter.

VOR WEDEKIND - On August 19th, in Hanover, to Marina (née Müller) and Oscar, a daughter.

DEATHS

ADDISON - On August 22nd, peacefully at home, Joyce Mary (née of Chichester), North Devon. Dear wife and much loved Bill Addison and a much loved aunt. Funeral Service at The North Devon Community Mortuaries, Tiverton, Friday August 26th at 12.30pm. Family flowers only, but donations if desired to West and Son Funeral Directors, 2A West Street, South Molton, North Devon for the Devon Wildlife Trust.

CHARLES - On August 22nd, peacefully after a long illness, born with great courage, humour and dignity, much loved mother, Betty, adored mother of Michael, David, Sally, Peter, and Angus.

FERGUSON-HINES - On August 23rd, June (née of Tiverton) and wife, St. Paul's Church, Newark Street, Greenwich, on Wednesday August 26th at 2pm. Funeral service private. Family flowers only.

JAMESON - On August 23rd, 1992, in her 101st year, Elizabeth Carson, lovingly cared for in her own home, thanks be for that. The service at St William of York Church, Upper Redland Road, Redland, on Tuesday August 25th at 2pm.

JOHNSON - On August 22nd at the Lindo Wing, St. Mary's, Paddington in Christina (née Probert) and Nicholas, sons and a daughter, Christopher.

LEWIS - On August 20th, suddenly at home, Ingrid.

DRUMMOND - On Sunday August 23rd, in her 100th year, Elizabeth Carson, a dear friend and inspiring teacher, much loved mother of Michael and wife, Sally, and greatly loved grandmother and great-grandmother.

JOHNSON - On August 23rd, in her 101st year, Elizabeth Carson, a dear friend and inspiring teacher, much loved mother of Michael and wife, Sally, and greatly loved grandmother and great-grandmother.

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OBITUARIES

SIR JOSEPH WELD

Colonel Sir Joseph William Weld, OBE, Lord Lieutenant of Dorset, 1964-84, died on August 14 aged 82. He was born September 22, 1909.

AFTER serving as adjutant of the 4th Bn the Dorset Regiment, Joseph Weld was from 1942-43 the first Territorial officer to be on the permanent staff of the Staff College, Camberley. Later in the war, as GS01 to Lord Louis Mountbatten, he made several journeys to liaise between South-East Asia Command and the War Cabinet. But perhaps even more dangerous was his visit to France after D-Day, when escorting Edwin Mountbatten, who was visiting field hospitals behind the advancing allied armies. General Eisenhower flew them over in his Flying Fortress, but Lady Mountbatten, determined to get near the front line, transferred to a small aircraft. On the way to Normandy they stayed over the German lines at 400 feet, but after one engine was shot out they managed to hedgehog back to safety.

After the war he reformed the 4th Bn, the Dorset Regiment, as a territorial battalion, and commanded it until 1951, when he became honorary colonel.

Although born in Warwickshire, Joseph Weld succeeded in the Lulworth Castle estates in Dorset in 1935, and subsequently impressed his personality on all facets of Dorset life.



JOHN BUNFORD

John Farman Bunford, actuary and former chief executive of National Provident Institution, has died aged 91. He was born on June 4, 1901.

JOHN Bunford will be remembered especially for leading the return of the Institute of Actuaries to St Paul's in 1955, following the skilful restoration of the original building, devastated by bomb damage in August 1944. The celebration was attended by actuaries world-wide, and his capabilities in orchestrating and hosting the occasion, coupled with his unique charm and humour, ensured its success. It was fitting that he should be the first president to wear the coveted badge of office — a gift from former presidents — and the one to obtain the Institute's Grant of Arms.

Bunford was educated at Christ's Hospital and St Catherine's College, Cambridge. His early actuarial career was spent at the Scottish Amicable and, later, the Royal Exchange Assurance, where he qualified as a fellow in 1930. Two years later he joined NPI, and succeeded Henry Melville as manager and actuary in 1947. He retired from executive duties in 1964, and con-

tinued as a non-executive director until 1985. His stewardship covered the difficult years of post-war development, a period of substantial change, and expansion of life insurance and pensions business. The growth of NPI's business during that time led him inevitably to redeveloping the company's century-old head office in the City, and to the commencement shortly afterwards of its Tunbridge Wells administration — itself one day to become the head office, as well as the town's largest single employer outside the public sector.

His business career was punctuated by high office in the life insurance industry, including chairmanship of the Life Offices Association and of the investment protection committee of the then British Insurance Association. While president of the Institute of Actuaries in 1954-56 he frequently represented the profession abroad, notably at the 50th anniversary celebrations of the Norwegian, Swedish and Swiss Actuarial Societies. He was a truly gentle man, balanced in judgement, and in following it through. His wife, Penelope, predeceased him. He is survived by two sons and a daughter.

He is survived by his son William and four daughters.

JOHN MARSH

(Henry) John Marsh, CBE, former director-general of the British Institute of Management and wartime prisoner of the Japanese, died on August 19 aged 79. He was born on August 17, 1913.

UNTIL his virtual retirement ten years ago, John Marsh was the recognised voice of British management. As a force behind the Institute of Personnel Management, 1947-49, the Industrial Welfare Society, 1950-61 and the British Institute of Management (BIM), 1961-75, he was not so much a captain of industry as its chief coach, inspiring and guiding its performance from the touchline.

His years at the BIM were the most famous. Taking over when the institute was struggling financially, he first rationalised and reformed its organisation, then launched a personal crusade through British industry.

Not only did he secure the backing of companies. He persuaded some of the country's most influential names to join his council. Long before he left as (assistant chairman) in the mid 1970s, he had won for the BIM a national significance.

Far from retiring, Marsh then became a management consultant and developed his role as a leading industrial writer, speaking and travelling round the world. He lectured in more than 50 countries, expounding his theories on management and success.

He was passionate about human relations and the need for a united, happy workforce. He fought to bring down the class barriers in Britain, inveigling against the destructive divisions between shop floor and staff — divisions which, he said, crippled this country's progress.

He argued against the British "stiff upper lip" and called for "more cards and characters" in business. Though a pioneer of the modern business school, he believed that young men learned best from their own mistakes and through practical experience.

But he also insisted on observing strict business ethics. There was no place for the "cult of the self-made man" —



dominated by ruthless ambition. He was warning British industry 30 years ago that it had to develop more specialisation and modern work practices in the face of growing competition from Europe and elsewhere.

Marsh was far from being a woolly-minded idealist and tub-thumper. He was also a tough-minded pragmatist and "fixer".

All this reflected his own background. Although born into a farming family from Dorset, he grew up in the entrepreneurial society of Shanghai, where his father opened a large motor business. Young John (his family always called him Jack) went with his twin brother to a mission school in China, before boarding at Queen Elizabeth Grammar School, Wimborne. Upset by the death of his mother while he was there, however, he left at 16 without a single qualification.

Back in Shanghai, he worked for two years in his father's firm, then returned here as an apprentice with Austin Cars. He quickly attracted the attention of Herbert Austin when he criticised some work practices at Longbridge and, after being reprimanded for his cheek, was put in charge of the apprentices' training programme, aged 22.

Commissioned into the Territorial Army, in the Royal Army Service Corps, he was at Dunkirk from where he was rescued by the Thamess steamer *Royal Daffodil*. Eighteen months later he was despatched to Singapore, just in time to be captured by the Japanese. He was thus present, he wryly remarked, at the apprentice's training program, aged 22.

His many publications included a pamphlet on *The Pursuit of God* in which he explained his own religious convictions. He abandoned the formal established Church, however, ten years ago, dismayed by its failure to oppose the Falklands War.

John Marsh is survived by his wife Mary and by their two daughters and two sons, one of whom, Matthew, is a Young Vic actor and the other, Jon, a pop singer.

ARTHUR DAVISON

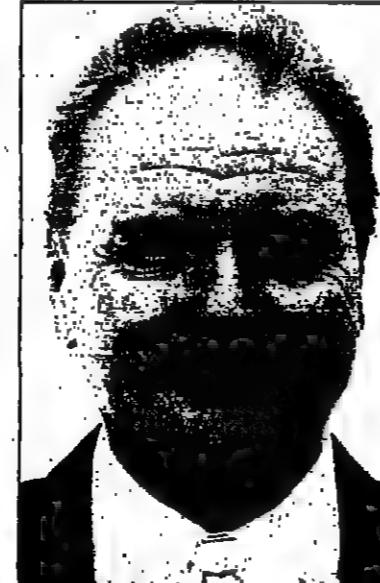
Arthur Davison, CBE, conductor and violinist, died on August 23 of cancer aged 74. He was born in Montreal in 1918.

ARTHUR Davison, who emigrated to England from Canada in 1948, became a force in British music where the education of children and the popularisation of the classics were concerned. He worked indefatigably and enthusiastically to interest the young in music and to make sure that interest continued when they grew up. He conducted many recordings of mainstream orchestral works on the Classics for Pleasure label in the 1960s and 70s. For this he was awarded a CBE in 1974. He also earned himself a Gold Disc from EMI in 1977 for the sale of a million records.

Perhaps his most important post was as director of the National Youth Orchestra of Wales, where he carried on the high standards set by its founder and long serving conductor, Clarence Raybould. He obviously enjoyed his work in the Principality and conducted an investiture concert in the presence of the Prince of Wales in 1969. He was also a governor and lecturer at the Welsh College of Music and Drama from 1973.

Davison's other sphere of interest began in 1956 when he formed, and became artistic director of, the Virtuosi of Music and Drama from 1973.

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England, a group of superb instrumentalists that began to record for EMI's Classics for Pleasure label. In 1957 he started his working relationship of some eight years with the London Philharmonic Orchestra of which he was, as a fine violinist, at first deputy leader.

Later he got many chances to conduct the orchestra, especially on tour, and made his mark as a confident of orchestral musicians.

He made many records with the LPO, including music by Hoddinott and Mathias, two composers with strong Welsh connections. He also showed his practical interest in promoting music among the young by starting the Arthur Davison Concerts for Children in London in 1966. At these his close knowledge of the mainstream repertoire, allied to his ebullient personality, created an outstanding success.

Davison began playing the violin at the age of three, showing an inborn talent. By the age of 12 he was giving regular recitals and was marked out for an appreciable career as a prodigy.

He studied at McGill University before coming to London after the war on a scholarship to further his studies at the Royal Academy of Music, where he worked with Albert Sammons and Paul Beard. Davison became a fellow of the RAM in 1966.

In 1977 he conducted a Jubilee Concert at Fairfield Hall, Croydon. He also enjoyed conducting ballet scores. He was guest conductor with the Royal Danish Ballet in 1964 and worked occasionally with the New York City Ballet on his visits across the Atlantic.

Play area keeps children's memory alive

By RONALD FAUX

A TRAGEDY in which two boys drowned in a canal for want of somewhere better to play was the spur to building the Leroy and James play park in Clarendon Road, Hulme. The recreation area, named in memory of the two children, lies in the shadow of derelict blocks of council flats in a rundown district of Manchester, scarred by graffiti and vandalism. When contractors' machines first appeared on the site they were immediately attacked but since work was completed a year ago, the play park has been mercifully free from problems.

Local parents believe this could be because the deaths of Leroy and James are still remembered, and because local children were asked to help plan the park. A bus was hired and took a group of them around play areas in the northwest. They were then invited to design their ideal playground, which cost three times the budget set aside by the planning authority.

Local tenants began fund-raising, organising collections in local pubs and clubs and applying for extra grants. The



result is an immensely popular play area created around a small, attractively landscaped hill. Central features are a slide and an ingenious triangular climbing frame of stout ropes.

Locals keep a neighbouring watch on the play area, reporting day to day incidents that may need looking into. An adjoining play space for the under-fives is planned, paid for with money raised by council tenants and topped up by funds from City Challenge. The scheme marks several years of campaigning by parents and a venture in which local people, the council and the children have successfully co-operated.

Meanwhile in the centre of Hulme, the old Hippodrome theatre has been converted into what is claimed to be the first centre in Europe dedicated to African and Caribbean culture. The Nia Centre, also being a Kiswahili word meaning "play", aims to promote a positive image, enjoyment and informed awareness of African and Caribbean culture. This extended a strong 20-year tradition in Manchester.

of the grade 2 listed building presented the architects, Mills Beaumont Leahey, with quite a challenge. One of the main points of the brief was to work within the symbolic colours of black, yellow, red and green.

"They have been designed into the scheme in a theatre which has so much of the ornamentation, cherubs and the like, associated with colonialism but which had to be preserved," George Mills, the architect, said.

Into the fly tower, which occupies one third of the theatre's total space, two extra floors have been lowered and suspended to house offices, a creche, rehearsal rooms and sound-proof workshops.

The £1.25 million cost of the contract was covered by Manchester city council, Moss Side and Hulme task force, the Arts Council, EEC regional fund and a range of other public and private sector sources.

The Leroy and James play park and the Nia Centre are among the entries for this year's Community Enterprise Scheme awards, sponsored by The Times, The Royal Institute of British Architects and Business in the Community.

Latest wills

Commander Andrew Nigel Baird, of Hambledon, Hampshire, Royal Navy Weapons Engineer, and a member of the British ski team in 1966, becoming British slalom champion in 1969, left estate valued at £100,000, net.

Mr Euan Ewart Rushton, of London SE3, left estate valued at £535,602 net. He left £12,000, some effects and half the residue to personal legatees, and half the residue to the Mihiran and Azzin Ezzefian Charitable Trust, with the wish that they make every possible endeavour to publish the memoirs of his father Samuel Zorah, which he has translated.

Sylvia Whited Hingley, of Headbourne Worthy, Hampshire, left estate valued at £715,008 net. She left a number of personal bequests, £1,000 each, to the Hampshire and Isle of Wight Naturalists Trust, the RSPB, the Kestrel Day Centre, London, and the Woodland Trust, and the residue equally between the Arthritis and Rheumatism Council and World Wildlife Fund.

Vivienne Gower Mythe, of Chesham Bois, Buckinghamshire, left estate valued at £231,942 net. She left £32,500 and some effects to personal legatees, her home and books not otherwise bequeathed to Lady Margaret Hall, Oxford, her collection of books printed before 1850 to Oxford University, for the Library of the Taylor Institute, and her computer, printer and associated software for the Chinese Estates to Durham University, for the

oriental Museum, all royalties from any of her books or tape recordings to the University of Kent, Canterbury, towards the purchase of books relating to a study of French literature, £300 to the Sponsorship Department of the Save the Children Fund, for the benefit of Nelle Daddahay Tangi, and the residue to Oxfam. Other estates net before tax include:

Mr James Bracebridge, of Menai Bridge, Gwynedd £523,362. Mr George Edward Caley, of Paulli, North Humber side £816,116. Mr Edmund Chapman, of Stratford upon Avon, Warwickshire £771,904.

Mr Reginald Ernest Chippell, of Bunting, Essex £865,091. Mr John Wybrams Hamilton, of London W1 £816,116. Mrs Jane Johnson, of Brighton, East Sussex £761,173.

Mr John Wilfred Thomas Lilley, of Chesham Bois, Buckinghamshire £834,624. Mr John Malcolm Lissombe, of Velerton, Devon £784,508.

Mrs Ethel Gabrielle Pilkington, of Fordingbridge, Hampshire £811,624. Mr Francis Arthur Grace Redd, of Ford, Leicestershire £630,403. Mr Charles Claude Taylor, of Carbis Bay, St Ives, Cornwall £627,108.

WILLIAM TAYLOR

William Taylor, chairman of the United States Federal Deposit Insurance Corporation, died of a heart attack on August 20 aged 53 after a stomach operation at Fairfax, Virginia.

He had spent some time in the notorious Changi jail, he was sent to work on the still more infamous Burma railway. By the time he was freed in October 1945, Major Marsh was down to two-thirds of his normal weight. He had proved himself a survivor, however — one of only 180 out of the 500 in his unit.

Colleagues think that this gave him a sense of his own destiny. The experience certainly made him very conscious of the gulf between British officers and their men — although all ranks were herded together in the prison camps. It was to underlie much of his future thinking.

His career took a different course after the war, away from the engineering side of industry and into the developing area of man management. He became a BOAC personnel officer, then joined the Institute of Personnel Management.

His recreations in Who's Who included "idle". But the daunting list of his activities also showed the lie to this. Among his many part-time roles, he was at various times honorary administrator of the Duke of Edinburgh's Study Conference and a member of the National Coal Board and the BBC General Advisory Council. He served on the courses of Cranfield and Surrey universities; he was a former governor of King's College Hospital and in 1968 was awarded an honorary Doctorate of Science at Bradford.

None of these gave him

greater pleasure, however, than his position as the founder-member of the Far East Prisoners' Club of London. His membership number was "1", a sign of his status. He bitterly opposed the visit to Britain by the Emperor Hirohito of Japan in the early 1970s.

His many publications included a pamphlet on *The Pursuit of God* in which he explained his own religious convictions.

He abandoned the formal established Church, however, ten years ago, dismayed by its failure to oppose the Falklands War.

John Marsh is survived by his wife Mary and by their two daughters and two sons, one of whom, Matthew, is a Young Vic actor and the other, Jon, a pop singer.

He was appointed until next year, the future of the increased premiums is now in doubt. One of Taylor's priorities was trying to resolve the problems of ailing banks without liquidating them. He often talked of "bank hospitals" in which a staff of bankers would take over weak institutions on behalf of the government, nursing them back to health before their sale. Failing the introduction of such a system, he sometimes bailed out institutions that others insisted would have been less expensive just to sell or close.

A notable example was Crossland Savings, New York's largest savings bank, in which Taylor had decided that closing the institution would have a devastating effect on the local economy. His approach won him few friends. Politicians began predicting the possible collapse of the whole financial system unless Congress could be persuaded to provide a huge influx of public money.

Taylor also faced pressure from the White House, where President Bush was urging that banks should be freed from regulations and encouraged to make more loans to get the country out of recession.

Taylor, with the Savings and Loan debacle fresh in his mind, resisted the argument. He did, however, act to make it easier for banks to challenge examinations that they considered too tough and discouraging to lending, and told investigators that the agency would not tolerate regulators who were too harsh on banks.

In the first days of his tenure, Taylor pushed Congress hard, winning a \$70 billion loan to bail out the Bank Insurance Fund. Turning his attention to May from the FDIC board to increase insurance premiums to protect depositors by an average of 22 per cent. That decision was a narrow one, reached on Taylor's casting vote, and was taken in the face of intensive lobbying by bankers and the Bush Administration, who insisted that the crisis was over, and that the increased premiums would eat into their profits.

Taylor confided to his wife on the eve of the vote that he felt "enormous pressure everywhere". After the job was done, he forecast, he might well be pumping gasoline. With his death, and the prospect that no successor will be

available, the FDIC board is likely to be less effective.

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Taylor conf

Attenborough says science on television under threat

BY NIGEL HAWKES, SCIENCE EDITOR

THE government's reforms of broadcasting threatened to "castrate" the BBC and turn serious scientific documentaries into an endangered species, Sir David Attenborough warned the British Association for the Advancement of Science in Southampton yesterday.

Sir David, this year's president of the association, was strongly critical of changes both in the BBC and in commercial television. From next year, he said, "no serious science programmes will be shown on independent television at times that most people will be able to see them", while the BBC was being "gravely eroded", the morale of its staff seriously damaged, and the very things that gave it its unique stature and strength destroyed".

Sir David, a former controller of BBC2, said television documentaries formed a significant part of most people's understanding of science and natural history. With audiences of two to three million for a solidly scientific programme, and as

BBC must be cut in size. It would reduce programme output by a quarter and replace it with programmes made by small independent units.

"As a way of reducing costs this decision seems extremely questionable. Many of these units would spend a lot of their time doing nothing, and their costs would reflect that.

"There is no evidence whatever that competition in broadcasting has ever reduced costs, and a great deal to

show that it significantly increases them," he said.

The BBC would meanwhile lose the hard-won expertise of producers, cameramen, film editors and technical staff who would be forced to leave. "The accountants have moved into production offices and in an attempt to make everyone cost conscious are insisting that even the tiniest action, such as taking a book from a library, should be costed and logged, a system that in itself has required the setting up of a new bureaucracy," he said. Training courses had been scrapped and the world's best picture library sold off.

As for independent television, the consequences of deregulation had yet to be fully felt. The ITV network was still using up existing stockpiles of programmes. But the new administrator of the ITV schedules had said that no programme would be shown in the evenings before 10.30 or 11pm unless it could command a minimum guaranteed audience of at least 8 million. This meant, he said, that no serious science programme would be shown on ITV at times when most people could see them.

Science, Sir David said, enriches our lives, its excitement part of the reward of being alive on the brink of the 21st century. There was a huge and growing appetite to learn more about science and its findings. New broadcasting technology, such as satellites, cable and video recorders, offered new opportunities so one might suppose that science programmes would be increasing both in number and kind. The government's actions, however, threatened to do just the reverse.

Doctors said: "Right from the start nobody really expected him to live. In the early days the doctors were even talking about turning the life-support machine off. But Brett just kept fighting. He's proved he's got a real will to live and when we eventually get him home we're going to show him all the love we can."

Doctors said Brett was being fed by a drip through his nose and still needed much care. Professor Malcolm Levene, a consultant in charge of the baby unit at

Leeds, said: "I am very

pleased that Brett has survived. It reflects the dedication shown by staff at the hospital.

"If he had been born any earlier, he would never have had a chance. Every organ is extremely underdeveloped so we had to take total control of him and build him up. He is not in danger from any major problem now. I am confident he will live a normal life."

According to the *Guinness Book of Records* the world's smallest ever baby was born in South Shields, Tyne and Wear, in 1938. Marion Chapman weighed 10oz and was fed hourly through a fountain pen with a mixture of brandy, glucose and water.

She lived to the age of 45.

The next smallest baby was Tyler Davison, a twin, born in Nottingham City Hospital in June this year weighing 1lb 6oz and six inches long. He astounded doctors by battling for life but died seven weeks later. His brother Stephen, who weighed 2lb 2oz at birth, went home to Lincoln last month.

The world's most premature baby to survive was born in Ottawa, Canada, in May 1987. James Elgin Gill weighed 1lb 6oz and arrived 128 days early. The record for a surviving baby born in Britain was previously held by a girl who was born 109 days premature in the West Midlands last November.

Her husband said: "Right from the start nobody really expected him to live. In the early days the doctors were even talking about turning the life-support machine off. But Brett just kept fighting. He's proved he's got a real will to live and when we eventually get him home we're going to show him all the love we can."

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BUSINESS EDITOR JOHN BELL

TODAY IN BUSINESS

NON, NON, NON



The experience of the French in the mid-1980s suggests that the government would be unwise to reign in sterling
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OUT OF COURT

Guinness-style scandals should be dealt with by regulatory bodies, not the criminal courts, the Securities and Futures Authority head says
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ILL WIND



Insurance claims resulting from Hurricane Andrew could dash hopes of profit at Lloyd's
Page 17

FUND SEEKERS

Savers are still withdrawing funds from building societies on a huge scale, according to latest figures
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LAW TIMES



Adjudication officers in social security claim cases are being overwhelmed by their workload, writes David Pannick QC
Page 21

US dollar
1.9855 (+0.0028)
German mark
2.8001 (-0.0066)
Exchange index
92.4 (+0.7)
Bank of England official close (4pm)

FT 30 share
1713.7 (-41.7)
FT-SE 100
2311.1 (-54.6)
New York Dow Jones
3238.54 (-17.56)*
Tokyo Nikkei Avg
16827.96 (+411.08)

INTERESTS
London Bank Base: 10%
3-month Interbank: 10%
3-month eligible bills: 10%
US: Prime Rate: 9.5%
Federal Funds: 9.5%
3-month Treasury Bills: 3.11-3.09%
30-year bonds: 9.5-9.5%*

FOREIGN EXCHANGE
London: New York:
£ 1.9220 £ 1.9440*
\$ 2.02748 \$ 2.04030*
\$ 2.042761 \$ 2.052413*
\$ 2.059530 \$ 2.074700*
\$ 2.074834 \$ 2.091259*
\$ 2.091259 \$ 2.106555*
\$ 2.106555 \$ 2.121363*
\$ 2.121363 \$ 2.135063*
London Foreign market close

London Futures
AM 83/84: \$1342.30
Close 83/84: \$1402.30
\$1712.25-1717.75
New York
Comex 83/84: \$141.35*

ENERGY
Brent (Oct) \$18.90/bbl (\$19.70)
RPI: 138.8 July (1987-100)
* Denotes midday trading price

Bank intervention fails to halt dollar's free fall

By OUR ECONOMICS
CORRESPONDENT

A RENEWED attempt by leading central banks to halt the collapse of the dollar failed to prevent the currency plummeting to a record low against the mark and allowed the pound to touch \$2 for the first time since the Gulf war.

The American currency, which started to go into free fall on the foreign exchange markets on Friday, yesterday dropped below DM1.40 at the end of the European trading day, despite repeated bursts of intervention by about 15 central banks, including the Bank of England and America's Federal

Reserve Bank. Friday's ill-timed intervention failed to shake currency market conviction that the interest rate differential between America and Germany has made buying the mark a one-way bet. Some City analysts believe the failure of the central banks to stop the dollar's decline has undermined the credibility of the intervention instrument.

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Some currency analysts found yesterday's intervention half-hearted, with the total dollar's bought estimated at \$1.2 billion. This was seen as an indication that the central banks have decided to wait for the market to become short of dollars before turning their big guns on the market.

The pound achieved handsome gains against the dollar. At the official London close at 4pm, it stood at \$1.9955, after a brief \$2 high. This represented a rise of 6.25 cents since Friday night. But sterling, caught in the crossfire of the dollar-mark battle, continued to lose ground, falling more than half a pfenning from Friday's finish to a record closing low of DM2.8001. It had been slightly below DM2.80 in the

afternoon and fell to DM2.7940, its lowest since ERM entry, after the official close. Despite official concern about sterling, the Bank of England was not seen to have intervened directly on behalf of the pound.

Poorer than expected trade figures for July had little impact on sterling, for sterling, but the pound did not appear to be under severe pressure, in spite of having dropped to less than 2 pfenning from its absolute ERM floor against the mark. While currency analysts believe the government will try to tough out the current pressure using the Bank of England's huge reserves before resorting to higher interest rates, the money markets yesterday indicated expectations of a three-quarter point

increase in base rate in the near future from the current 10 per cent, even though the Bank had signalled no immediate change.

The White House announced a five-year \$10 billion training programme to help workers affected by cuts in defence spending and the free trade agreement with Mexico. However, the programme, designed to help 1.2 million workers a year, requires the approval of Congress.

The National Institute of Economic and Social Research believes Britain's real exchange rate was about 5 per cent above the level consistent with macroeconomic equilibrium when sterling entered the ERM. It sees this widening if Britain does not keep inflation below its competitors'.

Trade setback helps wipe £10bn off shares

By COLIN MARSHALL AND MICHAEL CLARK

THE stubborn deficit on Britain's current account widened sharply to £934 million in July as imports forged ahead despite the persistent weakness of domestic demand, the latest official figures show.

The disappointing figures added to nerves on the stock market, where more than £10 billion was wiped from the value of Britain's publicly quoted companies. Share prices suffered their biggest one-day fall in more than a year as mid City fears that a rise in interest rates is imminent.

At one stage, the FT-SE 100 index was down almost 60 points, but it closed 54.6 lower at 2,311.1, its biggest one-day loss since August 19 last year, when it tumbled 80 points on learning of the attempted Soviet coup.

The size of the July deficit after two years of recession severely disappointed City economists, who had predicted a shortfall little changed from the £147 million for June. The June figure was revised down from the £772 million originally reported.

Norman Lamont, the Chancellor, forecast in the Budget in March that the current account, which encompasses trade in tangible goods and "invisibles" such as financial transactions and services, would narrow to £6.5 billion this year. But the cumulative deficit for the first seven months has almost reached the Treasury's full-year target, even though continued recession had been expected to close the trade gap.

The Central Statistical Office data, out yesterday, showed that the July deficit on visible trade, which excludes the estimated £200 million surplus on invisible trade, widened to £1.13 billion, well above City expectations. In June, the visible deficit was £94.7 million. Imports were up 2 per cent in July at £9.9 billion, while exports rose slightly to £8.8 billion.

Although a pickup in imports added to City concern about the scope for British industry to meet any upturn in demand, the Treasury found the figures encouraging. A Treasury spokesman said the rise in exports in July underlined the "steady upward trend" in exports. Excluding oil and erratic items, such as aircraft and gems, exports were at a record level in the latest three months. The upward trend in imports, the Treasury said, was "consistent with the forecast recovery".

But volume data, which provide a better guide than value figures to the underlying trade position, showed exports up 1 per cent in the latest three months compared with the previous three and were 3.5 per cent up on a year ago. Imports also climbed 1 per

cent in the latest three months, but were an impressive 8 per cent higher than in the same period last year. Don Smith, economist at Midland Monogram, said the higher imports would give the optimists some encouragement about the economy, but noted that the continued weakening of export markets also threatened to widen the trade gap in the months ahead.

In the stock market, market-makers went on the defensive from the outset, marking share prices sharply lower, worried that the Bank of England would be forced to raise interest rates to halt the pound's slide. Their drastic measures proved successful, with selling pressure described as light. By the close, only 383 million shares had been traded.

Attempts at a rally mid-morning were short-lived, with prices losing ground in the wake of the trade figures. The losses accelerated during the afternoon as another sharp decline in the value of the dollar prompted an early markdown on Wall Street.

The big dollar carriers were worse hit with double-figure losses recorded in most instances. ICI ended 25p lower at £10.89, and there were setbacks for Glaxo 29p to 70.1p, Reuters 27p to £10.17, RTZ 16p to 514p.

Government securities suffered falls of about £1, also reflected by the possibility of dearer money. The worst falls were at the short end, which is always regarded as vulnerable

to movements in short-term interest rates. But brokers are convinced that the gilt auction tomorrow will be absorbed by the market despite the pound's plight. Fund managers have been selling stock in recent weeks to provide funds to take up the new stock and a large short position has built up inside the market.

Robin Cook, shadow trade secretary, called on the government to act now to stimulate investment at home and abroad, as Britain's trade deficit was increasing by the hour.

Ian Campbell, director-general of the Institute of British Export, urged industry to become less insular, more proactive and more professional in its approach to international trade and for the City to take a longer-term view of export business. "Until we improve significantly our share of total world trade and increase our volume of exports, pressure on sterling and the risk of higher interest rates will remain," he said.

Gold responded to fresh dollar weakness and worldwide share market nerves, rising \$4.75 to \$342.25 an ounce in active trading.

Bullion dealers said trading was brisk as investors increasingly dumped currencies. But the reaction in platinum and silver markets in the dollar's woes was largely muted. Silver closed 2 cents weaker at 374 cents an ounce, and platinum \$1 easier at \$351.25 an ounce.

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Watchdog calls for fewer trials

BY GRAHAM SEARJANT, FINANCIAL EDITOR

THE head of a leading City regulatory body has called for many serious breaches of City regulations or of the Financial Services Act to be dealt with by regulatory bodies rather than in expensive criminal trials.

Christopher Sharples, chairman of the Securities and Futures Authority (SFA), which regulates traders in the securities, options and futures markets, says: "There is a growing consensus for a different approach to dealing with cases that involve breaches of market rules, market manipulation or even fraud on the market as a whole, as against individual investors."

Writing in *Future and Options Plus*, an industry newsletter, he suggests that the full weight of criminal law should be reserved for cases such as Barlow Clowes, in which clients' assets are stolen.

The chief agencies concerned, such as the Serious Fraud Office (SFO), the trade department, the Bank of England, the Securities and Investments Board and the SFA, should adopt a co-ordinated approach and agree on which body is best placed to investigate alleged wrong-doing. Mr Sharples says decisions would be necessary on whether particular issues should be prosecuted in the criminal courts or at City tribunals.

His views articulate City disquiet, understood to be shared at the SFO, that the long and expensive trials in the Guinness/Distillers and Blue Arrow cases have under-

mined public faith in the law. Mr Sharples argues that the low success rate of prosecutions for a wide range of alleged offences "has fostered the views that 'men in suits' can wriggle off the hook with expensive lawyers who so complicate matters that the trial becomes hopelessly confused and unmanageable". This has led to confusion over which cases need the full sanction of criminal law and which could be dealt with better by regulatory authorities.

Tribunals, chaired by lawyers, require less onerous levels of proof, but can still act as a deterrent and deal out real punishment, at no public expense.

Mr Sharples says regulators could act faster but "are stymied once criminal proceedings have started, partly because of the prevailing attitude that 'crime must go first' and in part from concern about prejudice".

He continues: "The SFA is, for example, able to carry out disciplinary actions against firms and/or individuals. Penalties that can be imposed on those found to be in breach of its rules include very substantial fines, restitution to clients, restrictions on individuals' activities in the future, the closing down of firms and the prohibition of individuals from returning to the industry either for a period or perhaps forever."

The self-regulatory bodies have sanctions that can be severe indeed. They should be given full rein to use them."



Reason to smile: Greg Hutchings was paid £995,000 in salary and bonuses

Tomkins chief gets 54% pay rise

GREG Hutchings, chief executive of Tomkins, the industrial conglomerate, received a 140 per cent increase in performance-related bonuses, from £203,000 to £492,000. Bonuses are calculated from growth in earnings per share, dividends and the company's share price. The finance director, Ian Duncan, has a similar

report released yesterday. His basic salary rose 13 per cent to £503,000 and he received a 140 per cent increase in performance-related bonuses, from £203,000 to £492,000. Bonuses are calculated from growth in earnings per share, dividends and the company's share price. The finance director, Ian Duncan, has a similar

incentive arrangement. Tomkins has interests in small arms, bathroom fittings, bicycles, industrial footwear and mechanical valves. Its pre-tax profits for the year rose 18 per cent to £132 million; the total payout was up 15 per cent. The company joined the FTSE 100 in January.

Molynx interim profits collapse

BY COLIN CAMPBELL

PROFITS at Molynx, the closed-circuit television and environmental control group, collapsed in the six months to June. The company said its earlier hope that 1992 year-end profits would be higher was "now out of the question".

Eric Walters, chairman, said deepening recession had made sales generally difficult: turnover had risen by 5 per cent to £1.01 million but that was due solely to two acquisitions.

Pre-tax profit fell from £1.1 million to £45,000. The interim dividend is held at 1.5p, declared out of net earnings of 0.2p (6.4p) a share on the ground that first-half results do not indicate the likely year-end outcome.

"In view of our current order books in Britain, we believe that the second half will show progress over the first," Mr Walters said. He conceded that the first-half result had been "very disappointing".

Sales in the CCTV and security division were 3 per cent down; those in the building energy management division fell by 29 per cent. Without the two acquisitions, group sales would have been 16 per cent lower.

Gearing on June 30 was 40 per cent, compared with 25 per cent at the end of December.

Molynx said the two acquisitions, made last October and largely funded by a £5.5 million rights issue at 88p a share, had both achieved their first-half budgets and been successfully integrated.

The shares rose 1p to 39p.

Lionheart turnover doubles for half year

BY COLIN CAMPBELL

LIONHEART, the home improvements and housewares group in which the American Newell Company holds a 13.4 per cent stake, will pay a 0.2p (nil) dividend for the six months ended June. Lionheart returned to the dividend paying lists in April after a three-year absence when it paid a 0.3p final dividend for the 1991 financial year.

Paul Lever, chairman, reports interim sales of £21.5 million (£11 million) and pre-tax profits of £1.1 million (£768,000) for the half year. He expects continued improvement in the rest of 1992 and says group strategy is to focus on building a do-it-yourself and housewares group while continuing to reduce costs. Trading conditions were difficult in the first half, Mr Lever said. There was no sign yet of an economic recovery, he added. The shares were 14p earlier at 161/4p.

Hibernian advances

A SHARP decrease in the size and number of claims has led to a big jump in profits at Hibernian Group, the Dublin insurance company. In the six months to end-June, pre-tax profits were £18.7 million (£8.18 million) compared with £2.8 million in the first half of 1991. Underwriting losses were cut from £11.1 million to £6.4 million, while higher short-term interest rates helped lift investment income from £13.7 million to £14.7 million. The interim dividend is raised 10.5 per cent to 12.1p (11.9p).

Beauford cuts loss

BEAUFORD, a designer and manufacturer of material handling equipment, cut losses from £240,000 before tax to £18,000 in the six months to end-June. Losses were 7.6p a share (6.9p loss) and there is no interim dividend (1.85p). There is an extraordinary charge of £1.85 million against losses on the disposal of Kamat, a pump maker, and the sale, for £528,116, of a 51 per cent interest in EW Bliss, which makes metal forming machines.

Jardine shares forged

AMERICAN authorities are reported to have arrested individuals with forged Jardine Matheson Holdings share certificates in their possession. "The police believe that all the forged certificates have been seized by the authorities in the United States and that none remain in circulation," the company said in a statement released in London. The Hong Kong and London stock exchanges were being kept informed while the police investigation proceeded.

UNIT	TYPE	PER	YTD																						
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Hurricane Andrew dashes hopes of profit at Lloyd's

By PATRICIA TEHAN

THE London insurance market is bracing itself for another massive loss as claims from Hurricane Andrew, which has devastated the Florida coast, flood in. Independent Lloyd's observers believe the hurricane will dash hopes that Lloyd's of London will make a profit for the 1992 year. Insiders had hoped the market would return to profit following four years of loss.

One loss adjuster has warned that the estimated total insurance loss could top \$12 billion to \$15 billion, and points out losses will mount if Andrew goes on to hit one of the major Texan or Gulf coast

cities. But more conservative estimates put the losses at around the same level as Hurricane Hugo, which cost the world insurance market \$5.8 billion in 1989. Lloyd's is likely to bear up to a quarter of the losses.

However, Lloyd's experts say the market is in a much stronger position following its experience with Hurricane Hugo. Terry Hayday, chief executive of Sturge Group's insurance division, says: "A larger amount of the loss will be absorbed by the American insurance industry. The reinsurance today are larger than they were in 1989."

Direct insurers in America will retain the first \$1.5 billion losses on Hurricane Andrew. About a quarter of the rest is believed to be reinsurance in London, which means it faces estimated losses of over \$1 billion. With Hurricane Hugo the London market bore about half the reinsurance claims.

John Ross, of Chaser, independent Lloyd's consultants, says: "1992 was never going to be fantastically profitable. Rates have not improved as much as Lloyd's would like us to suppose."

Hugo laid waste to parts of the Caribbean and the south-east United States in September 1989. Losses from Hugo were the biggest to affect Lloyd's since Hurricane Betsy in 1965. This time the London market's share of the loss will be lower because

the proposals, which will amend companies' licences to bring them in line with the Competition and Service (Utilities) Act, aim to prevent companies cross-subsidising non-regulated business from the core business, especially when they trade with each other. Dealings would in future have to be disclosed to the regulator, so that he can judge whether they are on fair arms-length terms.

Ofwat chief amends proposals

Ian Byatt, director-general of water services, has amended his original proposals for tougher control on water companies' diversification by requiring them to confirm only after the event that a diversification move will not deplete management or financial resources for its regulated business.

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Meetings called for Docklands creditors

By ANGELA MACKAY

ADMINISTRATORS to Canary Wharf, the Docklands scheme developed by Olympia & York, the troubled Canadian property group, will hold a series of meetings today and tomorrow with hundreds of the project's creditors. Between them, these are owed about £625 million.

Ernst & Young, the administrators, last week interviewed several merchant banks, including Goldman Sachs, in preparation for a search for new investors in the project. The administrators have few serious offers on the table. They include one of £250 million from a syndicate of Wall Street investors.

This afternoon, Ernst & Young meet sub-contractors—owed about £50 million by O&Y Contractors—following an earlier gathering with creditors of O&Y Canary Wharf, one of the senior UK companies.

Another three meetings will be held tomorrow with creditors of Heron Quays, First

Tower and other smaller Canary Wharf subsidiaries.

The bulk of the company's debt is secured and owed to a syndicate of banks, headed by Lloyd's and Barclays. Other creditors have not enjoyed the banks' access to the administrators and depend on the creditors which in value terms in 1991 fell by 14 per cent.

Sub-contractors, in particular, have maintained a hard line on payment and mostly downed tools as soon as news of the administrators was circulated at the end of May.

Last week, Canary Wharf's parent, O&Y, put a reconstruction plan before its creditors, owed \$11 billion, who gave the proposals a lukewarm reception. The Reichmann family, who founded the company, offered to cede voting control and also pledged to transfer 20 per cent of their private American real estate assets, in addition to ownership of Canadian properties worth more than \$100 million (£43 million).

Epwin climbs to £1.3m

By COLIN CAMPBELL

EPWIN Group, the specialist window maker that in March raised £5.4 million to fund expansion, has established a joint venture operation with Turkish partners in Istanbul from which benefits are expected to flow in 1993.

Jim Rawson, chairman and owner of 30 per cent of Epwin, says the economic climate affected all the group's market sectors in the six months ended June 30, but despite this pre-tax profits rose by 6.9 per cent to £1.31 million.

Interim turnover was £20.5 million (£19.7 million) against a continuing depression marked by which in value terms in 1991 fell by 14 per cent.

"We therefore see the group's performance as satisfactory under these circumstances," Mr Rawson said. The interim is held at 2.1p a share, declared out of net earnings of 5p (5.2p) a share.

Epwin's business philosophy is that if you are not the market leader, then make sure you are top of the second division, and says a broad mix of markets has led to higher profits at a time when many other companies are faltering.

Epwin is half way through a two-year £9.9 million capital expenditure programme, and says a strong balance sheet makes it well placed to benefit when conditions improve generally. The shares rose 1p to 150p.

Building society receipts fall to 3.9% of funding

By SARA McCONNELL

BUILDING societies' net retail receipts fell dramatically in the first quarter of this year, almost halving from 7.2 per cent of societies' funding at the end of last year to 3.9 per cent, the Building Societies' Commission said yesterday.

In the first quarter of last year, net retail receipts stood at 31.6 per cent. At the same time, societies' stock of wholesale funds continued to grow as a proportion of their funding, reaching 20 per cent at the end of the quarter. These stood at 19.8 per cent at the end of last year.

However, the uptake of funds slowed compared with last year. Wholesale net receipts fell from 52.8 per cent of funding at the end of last year to 24.3 per cent this year.

Mortgage arrears and re-

Textile firm aims for £40m value

By PATRICIA TEHAN

ALAN Lewis hopes to raise up to £19.2 million from the sale of his Woolcombers wool processing group, which comes to the stock market at the end of next month. The hope is that it will have a market capitalisation of £40 million.

The cash will be used to pay debt from a £48 million syndicated loan taken out when Mr Lewis took Illingworth Morris, the textiles conglomerate of which Woolcombers is a part, private in 1989.

He will retain a 32 per cent stake in Woolcombers and plans to float the other half of Illingworth, the spinning, weaving and Crombie men's wear companies under the Crombie name next year.

Mr Lewis took Illingworth private at 185p a share with plans to return when he had reorganised the conglomerate and built it up into two businesses, the Woolcombers processing side and the Crombie brand name.

Woolcombers consists of Woolcombers Processors, Westbrook, a lanolin producer and Jarman, a commission wool souarer.

Despite recession in the textiles market, Woolcombers increased turnover 29 per cent to £30.05 million in the year to March 31, and profits before interest and exceptional items increased 119 per cent to £3.38 million.

Bifu warns of society job cuts

By SARA McCONNELL

THE Banking, Insurance and Finance Union (Bifu) gave a warning yesterday that the Britannia Building Society's announcement at the weekend that it was cutting 150 jobs would be one of many cuts. At least 370 more jobs have already been lost this year in the sector as societies react to a continuing slump in the depressed housing market by closing branches and streamlining administration.

Bifu, named Birmingham Midshires, Northern Rock and Southdown, now merged with Leeds Permanent, as societies making redundancies this year. Northern Rock shed 22 jobs last year and since its merger with the Lancastrian in July, has lost a further 69. Leeds Permanent's merger with Southdown has meant the loss of about 100 jobs.

Birmingham Midshires shed 358 staff last year. It was "unable to confirm" Bifu's claim that 30 more jobs would go this year. Nationwide, the second largest society, has cut 200 jobs this year by closing two regional offices and its administration centre.

John Heaps, Britannia's deputy managing director, said the decision to close ten branches, where 60 of the 150 jobs would be lost, was partly in response to finding that only 30 per cent of customers used branches regularly.

He said: "Most of the branches to be closed are sub-offices, in the catchment area of a bigger branch and they are a bit of a luxury. Each year we draw up a schedule for opening and closing branches and normally balance out. But now more are likely to be closed than opened."

British poised to win in EC capital markets

By GRAHAM SEARGEANT, FINANCIAL EDITOR

BRITISH banks and securities groups are second only to their American rivals in winning business in international markets and are in a strong position to penetrate continental financial markets, according to a study commissioned by the National Institute of Economic and Social Research. To improve performance in international capital markets, however, the industry should reverse the trend towards universal banking conglomerates and build bigger, stronger independent investment banks.

A study of commercial and investment banks round the world shows that, on 1989 figures, American institutions took two thirds of the non-domestic business in a series of key markets combined on a measure geared to fee income. The markets were foreign exchange, international merger and acquisition advice, syndicated loans, international bonds and equities, Euro certificates of deposit, commercial paper and medium-term notes. British financial

institutions captured 17 per cent of the combined markets on the same measure, while no other country's banks won more than Japan's 5.1 per cent. The other main EC countries had 5.6 per cent between them.

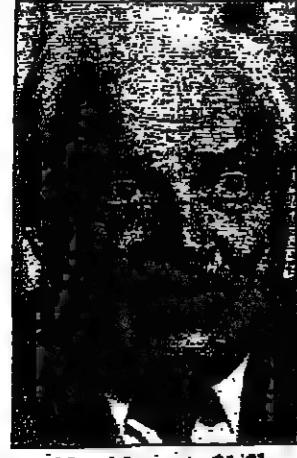
The study, to be published next month, suggests British banks are more efficient because they have had few of the special benefits of their rivals, such as a strong currency or domestic economy. Efficiency has been spurred by the open market in London, which has honed skills to face fierce competition.

American banks have benefited from the legal separation of commercial and investment banking. German and other continental banks have suffered from non-specialisation and, as in Japan, regulations that have the effect of protecting domestic markets.

British banks should in future avoid further takeovers of merchant banks by commercial banks and create stronger independent investment banks by merging rivals.

New money outpaces old in the billionaire league table

FROM PHILIP ROBINSON IN NEW YORK



Goldsmith: up to £1.5bn

THE family fortunes of self-made billionaires have outstripped those whose money came the old fashioned way, via inheritance, according to *Fortune*, the financial magazine.

Over the past five years, individuals whose wealth has been linked to commercial trade consistently outpaced those with little personal say in how their money was spread around. Even the fortune of the Sultan of Brunei, who has ranked as the world's richest man in each of the past five years, has climbed only 48 per cent

to \$37 million while those with a stake in their businesses of food, gambling and computers have done well.

The Queen, fourth richest in 1987 with \$7.4 billion, saw her ranking drop to six this year with \$11.7 billion. The Duke of Westminster has come down with a bump. He is worth only as much as he was five years ago when \$4 billion made him 14th wealthiest in the world, but today ranks him 28th.

The biggest fall was felt by Alfred Taubman, the 68-year-old Sotheby's chairman and US Shopping Mall owner.

His fortune has plunged by \$2.2 billion in five years to \$1.3 billion, sending him down 179 places to 185. Since 1987, King Fahd of Saudi Arabia's fortune has halved to \$10 billion and demoted him from second to 155th place.

By contrast, Bill Gates, inventor of Microsoft, the computer software, has seen his wealth increase six fold in five years to \$5.5 billion. The Sainsbury supermarket dynasty have almost equalled the rise. In 1987 they were worth \$1 billion. Today, \$5.2 billion. Sir John Moore, 96-

year-old owner of Littlewoods Pools, is now worth \$4.5 billion, 87 per cent more than in 1987. Over the same period Sir James Goldsmith's fortune has risen 50 per cent to \$1.5 billion.

On the other hand, Richard

Branson's Virgin empire has actually fallen by \$100 million to \$1.4 billion.

Two tiny tots make their debut among the world's richest: Athina Roussel, seven, now the heir to half the shipping fortune of Aristotle Onassis, and nine-year-old Prince Albert Von Thurn und Taxis, worth \$1 billion.

Branson: down £100m

Heaps, Britannia's deputy managing director, said the decision to close ten branches, where 60 of the 150 jobs would be lost, was partly in response to finding that only 30 per cent of customers used branches regularly.

He said: "Most of the branches to be closed are sub-offices, in the catchment area of a bigger branch and they are a bit of a luxury. Each year we draw up a schedule for opening and closing branches and normally balance out. But now more are likely to be closed than opened."

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British banks should in future avoid further takeovers of merchant banks by commercial banks and create stronger independent investment banks by merging rivals.

Philip Robinson is a financial writer for The Times.

RECENT ISSUES

Stocks and shares

Corporate bonds

STOCK MARKET

Shares suffer biggest fall in over a year

SHARE prices on the London stock market suffered their biggest one-day fall in more than a year as fears grew in the Square Mile that a rise in bank base rates might yet be on the way.

More than £10 billion was wiped from share values as the FT-SE 100 index closed near its low of the day, down 54.6 at 2,311.1, having been almost 60 points lower at one stage. It was the biggest one-day fall since August 19 last year, when the market turned 80 points after learning of the attempted Soviet coup.

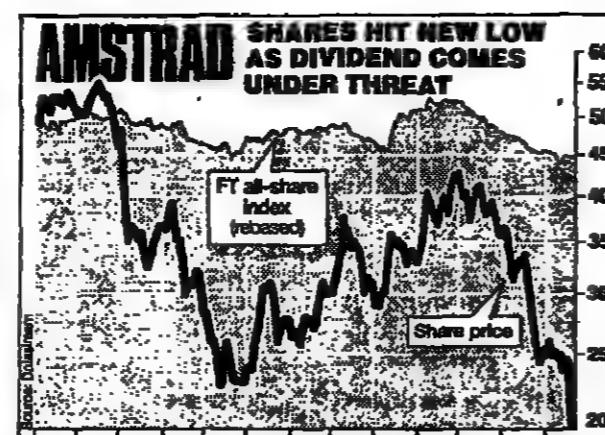
Market-makers went on the defensive early, marking prices sharply lower on fears that the pound's continuing slide against the mark would force the Bank of England to raise interest rates. In the event, sterling's steadier performance against the German currency took some of the heat out of the situation and even tempted a few bargain hunters off the sidelines.

The subsequent rally proved short-lived, however, and was eventually scuppered by another gloomy set of trade figures and a dramatic slide in the dollar against other major currencies. This resulted in an opening fall on Wall Street, which added to the gloom in

London. But selling pressure remained light with investors clearly deterred by the early action of the market-makers. By the close of business, only 383 million shares had changed hands.

Worst affected were the big dollar earners shaken by the dramatic collapse in the American currency in the past few days. There were double digit falls for ICI, 25p to 10.87; Reuters, 26p to 10.18; Glaxo, 31p to 6.99p; Wellcome, 18p to 8.04p; Courtaulds, 15p to 4.49p; Grand Metropolitan, 10p to 4.10p; and RTZ, 16p to 5.14p.

The defensive qualities of the utilities were highlighted by the dramatic fall in values elsewhere in the market. Falls among the water and electricity companies were limited and some even managed to close higher on the day. Severn Trent Water was a case in point, rising 3p to 422p helped by a recommendation from Kleinwort Benson, stockbroker. Kleinwort says the shares look attractive at this level, yielding 6.8 per cent compared with a sector rating of 6.5. The group has already embarked on a diversification programme, which means the shares are unlikely to be affected by any shock develop-



ments in this area. There were gains for Northumbrian, 2p to 500p; South West, 1p to 424p; Welsh, 1p to 462p; Wessex, 2p to 518p, while

also put up a fierce rearguard action with gains for Midland, 3p to 338p; Northern, 4p to 361p; Southern, 7p to 325p; and South Wales, 2p to 376p.

Forte, the hotels group, stood out in a falling market with a rise of 3p to 130p. There was speculation that Sodexh, a French catering group, had bid £400 million for the Gardner Merchant catering division. Brokers said the rise was also fuelled by one market-maker nursing a sizable short position in the shares.

Yorkshire was steady at 475p. Small falls were recorded in Anglian, 2p to 434p; Southern, 1p to 406p; and Thames, 3p to 433p. The electricity distributors

Small losses were recorded in Eastern, 3p lower to 284p; East Midlands, 5p to 307p; London, 1p at 307p; Manx, 3p at 347p; Northern, 1p at 338p; Scottish, 4p

The electricity distributors

finished 1p cheaper at 455p.

It is believed that Tony Dean, the recently appointed finance director, has resolved to make substantial write-offs. Earlier estimates had forecast losses of up to £65 million.

British Aerospace fell 6p to 204p as doubts were expressed about prospects for the second phase of the Saudi Arabian Al-Yamamah defence contract. Reports over the weekend suggested that the Saudi decision to postpone construction of a new airbase could put the whole project in doubt. But most dealers were sceptical and took the view that Al Yamamah would proceed as planned.

Geest, the banana producer, also fell 14p to 324p on claims that the group's banana crop would be damaged by the hurricane. Fortunately for Geest, the Windward Islands are a considerable distance south of Florida.

The fear of dearer money meant another maundering for the stores sector, which is still anxiously awaiting a pick-up in consumer spending. Amber Day fell 3p to 23p; Boots, 8p to 449p; Burton, 1p to 32p; Dixons, 4p to 197p; Eason, 8p to 248p; Great Universal Stores A, 25p to 13.83; Kingfisher, 23p to 430p; Lloyds Chemist, 7p to 210p; Marks and Spencer, 8p to 286p; Next, 1p to 894p; and WH Smith A, 13p to 364p.

Insurance composites were seen reeling in the wake of Hurricane Andrew as it swept across Florida. Worries about the level of claims from what is already being described as the most destructive storm this century, left Royal Insurance, believed to have the biggest exposure to America, 18p lower at 145p. General Accident, 10p at 415p; Sun Alliance, 13p at 227p; and Guardian Royal Exchange, 1p at 129p. Commercial Union, in ex-dividend form, finished 1p cheaper at 455p.

MICHAEL CLARK

Dollar worries push Dow into early slide

New York — American shares posted sharp losses soon after the opening, as investors grew concerned about ongoing dollar weakness, losses among European equities and reaction to Friday's options expiration.

The Dow Jones industrial average was 19.72 points lower at 3,234.38 in mid-morning trading. In the broad market, declining shares led to advancing shares by five to one on volume of 15 million shares.

Traders noted concern that concerted intervention earlier in Europe and two rounds of dollar buying by the Federal

Reserve during New York trade had failed to shore up the American currency.

Observers said the persistent fragility of the dollar lessened the likelihood that the Federal Reserve could lower interest rates further to stimulate the economy.

Tokyo — Shares jumped for the fourth day in a row and the Nikkei average surged 411.08 points, or 2.53 per cent, to 16,627.96. Short-covering and light fresh buying prodded prices up, but profit-taking and caution about overshooting hit hard when the Nikkei topped 17,000 for the first time in a month.

TEMPUS

Falling dollar weaves bad news for textiles

THE collapsing dollar will make life even tougher for Britain's leading textiles companies and is bound to cast a pall over the forthcoming results season, which kicks off next week. The latest spell of dollar weakness has come too late for any negative translation effects among the textile majors, but it will hurt trading in the current period. Optimistic chairmen will be scarce during the reporting season. The worst news of all though is that the dollar appears set for a lengthy period of trading at near record lows.

Last Friday may prove to have been a watershed in this process. The botched intervention by central banks has damaged perceptions of the dollar's future party considerably. By miscalculating the extent of short positions against the dollar, the central banks caused speculators no pain. Worse they allowed speculators another pain-free attempt to sell short in the hope of making a worthwhile return. The ensuing free-fall in the greenback probably means that further interest rate cuts in America in order to help the domestic economy are most unlikely. The president will not wish to trigger

another sell-off so close to the election. The smart money can now flow towards the mark, where nominal benchmark interest rates are uncomfortably close to treble those in New York.

George Bush has already played his hand at the Republican convention, with no benefit to the dollar. The Clinton factor, expected higher levels of federal spending, will disappear slowly only until the opinion polls show that a clear Bush victory is November.

Something close to a \$2 billion will certainly damage British exports and profits generated from overseas operations. But that is merely half the story. The weak dollar will stimulate imports of cheaply produced goods made in the Far East, where currencies are strongly linked to the dollar. These imports to Britain are one thing in times of buoyant consumer demand. With high street sales already weak, they are more serious. In the near future, imports threaten to have an especially damaging impact on the sector profits.

It is hard to see how the relative weakness of the sector against the market over the past three months is to be reversed soon. Worse for Great Britain plc, the case for sourcing textiles abroad has become stronger.

In the medium term, shares of companies that are heavily geared to a recovery in domestic consumer demand have most potential. But shares in the sector leaders, which have a well spread presence round the world, better financial management and prospects



Dividend surprise: John Davis, Aerospace Engineering's chairman, yesterday

ideas. The 0.5p final dividend it decided to pay may be less than last year's 1.56p, but it was enough to send the company's shares rocketing. They finished at 10p, twice the opening price.

Even at this lofty level, the total dividend of 1p (3.12p) still leaves the shares on a net yield of 13.3 per cent. Clearly, the stock market likes what it hears, but is not quite sure it

can be believed. That is a pretty fair assessment of an engineering company that has achieved much, but still has a considerable way to go, not least in bringing down net borrowings and gearing from their year-end levels of £2.02 million and more than 80 per cent respectively.

Progress is represented by the sale of John Curren, the only one of four businesses put up for sale that was actually sold. The other three are to be merged, at the cost of most of a £961,000 exceptional item, with the balance covering the loss of 200 jobs.

The exceptional item and a 42 per cent drop in operating profits resulted in a pre-tax loss of £230,000 in the year to end-April, against a profit of more than £2 million. A £1.3 million extraordinary item covers losses on the post year-end sale of John Curren and, added to the dividend payment, required a £1.8 million transfer from reserves.

The company's future is dependent on its aerospace and electronics division, neither of which are likely to be at the forefront of economic recovery. A return to profit looks probable this year, but at 10p, the shares are a straight dividend gamble.

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Trade pointers to overvalued pound

Britain's trade performance is deeply embarrassing for the government. July's trade gap was worse than expected and emerged on a day of peculiar sensitivity for sterling. In markets dominated by the financial rather than the trading value of a currency, however, poor trade figures would not of themselves bring short-term pressure for devaluation. The most embarrassing implications lie in a longer perspective. They underline the judgment of foreign exchange dealers that the currency's parity against its crucial European trading partners is too high. The pound's increasing strength against the dollar reinforces that judgment rather than counters it, both in trade and in its effect on the value of dollar-denominated oil production.

That basic doubt over sterling will remain in the background if the Bank of England can manage to manoeuvre the currency out of the European exchange-rate mechanism re-evaluation zone and even if the Treasury were eventually forced to raise interest rates. It would remain even if the dollar/mark storm, which has upset sterling in its wash, were simply to blow itself out.

Essentially, the government faces a contradiction. Sterling was put into the ERM at parities aimed at providing an anchor for anti-inflation policies rather than trade balance. The trade gap was then much larger but could be dismissed as the product of the British economy booming too fast while its export markets were in the doldrums. Today, that argument no longer holds. Export markets may be weak but British markets are weaker.

At this stage, trade should be in surplus. Even allowing for the progressive improvement in competitiveness that ERM discipline should bring, there ought to be something like balance if British industry is to hold its own in more normal times. Yet the trade gap has grown to £6.4 billion in the first six months, as much as the government's expectation for the whole year. Export growth is fading while imports are still buoyant. The main impact of such an imbalance is on domestic production and jobs but the doubts will remain as an undercurrent in the foreign exchanges, however committed the government is to maintaining parities. The policy contradiction is, at least, a further argument against raising interest rates, but suggests that the British economy can only afford to return to expansion in the rear-guard of the world economy.

ERM dangers

Today's problem for the currency markets is living with a dollar crisis. But tomorrow's may be a problem that encompasses the whole of the ERM. As the mark climbed to new highs, other currencies, notably the lira and the French franc moved closer towards their ERM danger zones. They are by no means flirting with the absolute limits within the system like the pound. But with nothing clearly in sight to halt the flight from the dollar into the mark, the franc and the lira will continue to suffer.

Yesterday, both were under pressure. The mark touched FF 3,407.8 against the franc's ERM floor of just over 3,43 while the Italian currency dipped to a low of L763 against a limit of L765.

Action by America to stabilise the dollar is not easy to see. The ball is thus firmly at the feet of the German government and its central bank whose eyes are firmly fixed on the domestic problems of coping with unification. Nothing though more likely to tip France's Maastricht referendum towards a "no" vote than the possibility of higher interest rates in order to meet the needs of an exchange-rate system that is nowadays doing more to unsettle parities than to stabilise them.

There are beguiling parallels between the French currency in the eighties and the pound today, says Wolfgang Münchau

The prime minister staked a good deal of his political credibility on a pledge not to devalue, but massive pressure in foreign exchange markets persuaded him in the end to yield to the inevitable. He needed an excuse and a convenient scapegoat, but this did not prove much of a problem. "The German authorities, and particularly the monetary authorities," he declared, "have not done what they should have. The result was what he misleadingly called 'a D-mark crisis'.

The prime minister was Jacques Chirac of France, and the year was 1987, when the franc threatened to fall through the bottom of its permitted range in the ERM. Heavy intervention failed to prop up the franc, and in January of that year European finance ministers agreed to what was up to the present, the last general realignment within the ERM.

The stories of the French franc in the 1980s and of sterling today show some significant parallels, although this time a realignment is perhaps as inevitable as it was five years ago. A French no-vote at the referendum on the Maastricht treaty might still precipitate a realignment, or worse, but until then the odds are in favour of a retention of present parities.

For John Major, the plight of the French franc in general and of M. Chirac in particular may serve as a reminder of what happens if one yields to realignment pressures too readily, however strong such pressures may feel at the time. Although the franc has maintained its parity for the past five years, the French currency has still not quite recovered from the various realignments of the early and mid-1980s, and especially the 6 per cent devaluation surprise of April 1986.

For Mr Major, it might also be significant that M. Chirac subsequently lost his job as prime minister and failed in his bid for the presidency.

What the events of 1987 and today have in common is that the pressure was precipitated by a run on the dollar, as international investors sought refuge in the mark. Whenever that happens, the mark appreciates not only against the dollar but also against the currencies inside the ERM, and this usually puts strong pressure on the weakest currency in the system. In 1987, this was the franc; today it is sterling. So far, the parallels are virtually perfect. In both cases, German monetary policy were blamed for the problems. Then, as



Although the franc has maintained its parity for the past five years, the French currency has still not quite recovered from the various realignments of the 1980s

German blueprint for smaller firms

From Sir Michael Grylls, Conservative MP for Surrey North West

Sir Wolfgang Münchau's article (August 18) suggesting that the introduction into the UK of a version of Germany's KfW financial institution would level the playing field for smaller firms is timely. As Britain emerges from recession our smaller companies will need long term money at reasonable rates to sustain their growth.

Germany has made a great success of its government-owned credit institution. It has lent, medium to long-term, consistently to German SMEs (eligible firms have an annual turnover up to DM500 million) over many years. In 1989 alone it committed loans via the banking system of DM7.3bn at interest rates between 6.75 per cent to 7.25 per cent. There was no subsidy of this rate by the German

government. These loans were incorporated by the German banks into financing packages for SMEs. It is not enough to claim that we have a market infrastructure in place which is capable of matching demand for and supply of capital when it is clear from the experience of the past two decades in this country that there is a mismatch of expectations and needs of many private business owners and those of institutional investors and lenders. Let us put our crucially important independent companies in a winning position. They must know that the cash flow cost of fixed investment is reasonably certain, so giving themselves the confidence to invest in new products and to re-equip.

Yours faithfully,
SIR MICHAEL GRYLLS,
Chairman,
Small Business Bureau,
House of Commons, SW1.

Can British firms borrow from KfW

From Corinna Schiffer, Sir Wolfgang Münchau's article (Aug 18) on the benefits of the German KfW lending institution was most interesting.

Could British business take advantage of its benefits? If the institution is a public body, which it appears to be, any restriction it may entertain as to the nationality of applicants could be found contrary to Article 7 of the Treaty of Rome as being "discriminatory on grounds of 'nationality'". The European Court of Justice has ruled that it is discriminatory for a state to grant a right subject to a condition of residence in its territory, when no such condition is imposed on nationals.

Yours faithfully,
C. SCHIFFER
5 Pump Court,
EC4Y 7AP

On both sides of the fence at Lloyd's

From Mr D. H. Packman

WHAT a difference a referendum makes. French stores have been reporting huge interest in Maastricht-related bananas, even though the treaty is often criticised as being unreadable. FNAC, the country's biggest book chain, says sales of a 600-page guide to Maastricht have outstripped sales of a best seller about the Prince of Wales. The French government is also about to mail 43 million copies of the treaty to French households. In Britain, meanwhile, WH Smith's says such a book would have to be ordered. Even HMSO, which is selling the 135-page long, full reprint of *The Treaty on European Union* (the so-called Maastricht Treaty), has sold only 1,900 copies.

Biermann placing

Pensions sums

From J. A. Billcliffe

Sir, in his letter on state retirement pensions (Business letters, August 20) the Rev E Carson complains about the increase of just over 4 per cent in April 1992, which low figure he claims was almost entirely due to reductions in mortgage interest rates. Has he not conveniently forgotten that only the previous year the increase was no less than 10.9 per cent, largely due to increases in mortgage interest rates?

Yours faithfully,
J. A. BILLCLIFFE,
12 Regency Court,
Headingley,
Leeds.

CAROL LEONARD

"Kansha" is the Japanese for appreciation and it is customary to mark such gratitude with a gift.

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EUROPEAN VIEW

Sterling under pressure should not follow the franc's example

either a change in interest rates or a realignment — unless, of course, a government opts for more exotic measures, such as the imposition of capital controls.

France has tried a number of such measures, only to discover that the only successful strategy within the ERM is to maintain the currency's parity with the mark.

The founders also pinned high hopes on the second intervention mechanism, so-called intra-marginal intervention, which was a novelty at the time. This type of intervention is directed at preventing a currency from coming to the brink in the first place.

This mechanism is voluntary, and is triggered once a currency's so-called divergence indicator hits the 7.5 per cent mark. The indicator measures the extent to which a currency is nearing its maximum spread around its central rate against the Ecu. Sterling is in the wider band of the ERM and has a spread against the other currencies of about 6 per cent.

The divergence spread, however, is somewhat less than that because sterling is a constituent part of the Ecu, as is, indeed, every other currency.

The purpose of the indicator is to identify the currency that is diverging from the rest. The 7.5 per cent mark is a warning signal to central banks, which at this stage are allowed to intervene in a more flexible manner than is prescribed when a currency hits its floor. Once that happens, it is frequently too late.

The relative success of this intra-marginal intervention, which is currently taking place, will in the end determine whether interest rates have to go up in defence of the pound. In the end, what matters will be the market's view of the sustainability of sterling's present band.

In the short term, it is all up to the market speculators. A speculator would probably have only two reasons to bet on a sterling devaluation, or a general realignment. He might assume that the British economy will deteriorate further, which could in theory make pressure on the government to cut interest rates irresistible.

In the immediate future, he could assume that the French will vote against the Maastricht treaty at next month's referendum. That could, in theory, precipitate a wide-ranging realignment or, though this is much less likely, even a collapse of the exchange-rate mechanism.

Despite the future, the last few days have been anything but unusual for the system itself. For sterling, it is the first real test since its entry two years ago.

The French experience suggests that yielding instantly under pressure only aggravates the problem later on. Once financial markets withdraw their confidence, it takes many years to regain that confidence.

During that time, interest rates would undoubtedly stay at an unhealthy premium.

THE TIMES CITY DIARY

Accounting for another book

WHERE UBS fears to tread, James Capel goes fearlessly. Not on the heels of Terry Smith's controversial book, *Accounting for Growth*, James Capel is about to publish a weightier tome on the same subject. Called *Accounting Matters*, it will be sent free in chief investment officers within the big institutions on September 10. The task of coordinating the product of Capel's entire research department, with all top 100 companies analysed, and amounting to more than 600 pages, has failed to Paul Walton, chief strategist. "Our approach is the antithesis of Terry Smith's book and I hope that it does not have the same impact as his did," he says. "We have not set out to be confrontational and although companies have not been allowed to vet it, where there is anything contentious, we have made them aware of it." Although there will be no "buy" or "sell" recommendations, there will be two profit or loss forecasts for each company and Walton says he hopes it will become a reference manual for all fund managers. "We analyse the accounting standards used by every company, the impact of changes in accounting standards, and we have produced a new range of estimates by stripping out from earnings per share those things that flatter or suppress profits, so that we can assess the quality of earnings." The cost of producing the book is £1.95, the chairman of Maitland, the ca-



Size matters

CHIQUITA Brands, the world's leading supplier of fresh fruit and vegetables, whose profits were mashed by competition last year, is testing a new seven-inch banana. Nothing less than a nine-inch banana had been thought to satisfy American customers, but Chiiquita, which sells almost half its bananas in Europe, has found a warm reception for the smaller variety. Surveys show the nine-inch is too long for lunch boxes, too much for children and double the recommended dose in diet plans. Chiiquita's shares, meanwhile, have fallen to more than \$17 due year.

Maastricht mania

WHAT a difference a referendum makes. French stores have been reporting huge interest in Maastricht-related bananas, even though the treaty is often criticised as being unreadable. FNAC, the country's biggest book chain, says sales of a 600-page guide to Maastricht have outstripped sales of a best seller about the Prince of Wales. The French government is also about to mail 43 million copies of the treaty to French households. In Britain, meanwhile, WH Smith's says such a book would have to be ordered. Even HMSO, which is selling the 135-page long, full reprint of *The Treaty on European Union* (the so-called Maastricht Treaty), has sold only 1,900 copies.

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CAROL LEONARD

period. Each time I was met by sympathy but little else. The market structure prevents Lloyd's from intervening in such cases. As a name I am expected to pay my losses on the due date or incur interest. Lloyd's does not apply the same rules to the payment of claims. I have to pay for their mistakes.

Surely self-regulation means having the ability and will to set standards for both policyholders and names. It must also provide remedy when these standards fail. We at Lloyd's must do better if we are to survive.

Yours faithfully,
D. H. PACKMAN,
1 Nevil Close,
Leighton Buzzard,
Bedfordshire.

Business letters to
The Times can be sent
by fax on 071-782 5112.

Telephone 071-782 5112.

Telex 888 211 962.

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No	Company	Group	Gain or loss
1	Costs Vipita	Drupery, Sys	-
2	Pendland	Industrial	-
3	Unit Newsprint	Newspaper, Pub	-
4	Aus New Z	Banks, Disc	-
5	Hays	Transport	-
6	Canning (W)	Chem, Plas	-
7	Lamont	Tissues	-
8	Euromarc	Leisure	-
9	Wholesale Pigs	Electrical	-
10	Fins Leisure	Leisure	-
11	Rolls-Royce	Motors, Air	-
12	Wicks	Drupery, Sys	-
13	Transco	Industrial	-
14	Foster Breeding	Breweries	-
15	Burnside Cast	Oils, Cos	-
16	Nichols UN	Foods	-
17	Morgan Cole	Industrial	-
18	STP	Chem, Plas	-
19	Enterprise	Elect. Disc	-
20	Jompe (L)	Banks, Disc	-
21	Tottenham Hot	Leisure	-
22	Headline	Newspaper, Pub	-
23	Morland	Breweries	-
24	Pitard Garret	Shoes, Lth	-
25	Barratt Devs	Building, Rds	-
26	Axon Br Pms	Transport	-
27	Ametc	Building, Rds	-
28	Thomas Water	Water	-
29	Priam	Electrical	-
30	Chesterfield	Property	-
31	He of Ireland	Banks, Disc	-
32	Hannoverman	Property	-
33	MFT	Drupery, Sys	-
34	Lachapelle	Industrial	-
35	Bellway	Building, Rds	-
36	Yorks Chem	Chem, Plas	-
37	Star Corp	Industrial	-
38	Arrowside	Building, Rds	-
39	Les Service	Motors, Air	-
40	Auto Sec	Electrical	-
41	Arturis	Leisure	-
42	Life Science	Electrical	-
43	Kwib-Fit	Motors, Air	-
44	Color Gp	Oils, Cos	-

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Please take into account any minus signs

Weekly Dividend

Please make a note of your daily totals for the weekly dividend of £4,000 in Saturday's newspaper.

MON TUE WED THU FRI SAT Total

Three readers shared the Portfolio Platinum prize yesterday. Mr C Goodwin, of London SW18, Mrs S Murray, of Hitchen, and Mr B McWilliams, of Fordingbridge, each receive £666.66.

No	High	Low	Company	Price	Net	Yld	%	P/E
117	260	180	Abbey Mill	28	-1	1.1	12	12
118	150	120	Alford Fresh	161	-1	1.1	12	12
119	110	80	Amex	110	-1	1.1	12	12
120	110	80	Amberheads	210	-1	1.1	12	12
121	100	80	Amersham	100	-1	1.1	12	12
122	100	80	Ames Ind	100	-1	1.1	12	12
123	90	70	Ames Susts	95	-1	1.1	12	12
124	80	60	Amesbury	80	-1	1.1	12	12
125	80	60	Amesbury	80	-1	1.1	12	12
126	80	60	Amesbury	80	-1	1.1	12	12
127	80	60	Amesbury	80	-1	1.1	12	12
128	80	60	Amesbury	80	-1	1.1	12	12
129	80	60	Amesbury	80	-1	1.1	12	12
130	80	60	Amesbury	80	-1	1.1	12	12
131	80	60	Amesbury	80	-1	1.1	12	12
132	80	60	Amesbury	80	-1	1.1	12	12
133	80	60	Amesbury	80	-1	1.1	12	12
134	80	60	Amesbury	80	-1	1.1	12	12
135	80	60	Amesbury	80	-1	1.1	12	12
136	80	60	Amesbury	80	-1	1.1	12	12
137	80	60	Amesbury	80	-1	1.1	12	12
138	80	60	Amesbury	80	-1	1.1	12	12
139	80	60	Amesbury	80	-1	1.1	12	12
140	80	60	Amesbury	80	-1	1.1	12	12
141	80	60	Amesbury	80	-1	1.1	12	12
142	80	60	Amesbury	80	-1	1.1	12	12
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187	80	60	Amesbury	80	-1	1.1	12	12
188	80	60	Amesbury	80	-1	1.1	12	12
189	80	60	Amesbury	80	-1	1.1	12	12
190	80	60	Amesbury	80	-1	1.1	12	12
191	80	60	Amesbury	80	-1	1.1	12	12
192	80	60	Amesbury	80				

LAW TIMES

A threat to the public's right to know worries Alastair Brett and Derek Currie

No win, no fee: free speech loses

As the row over photographs of a topless Duchess of York gathers pace, legislation to curb press intrusion or create a new offence of criminal trespass may not be long in coming.

More ominous for press freedom in this country is what is happening in the Lord Chancellor's Department, where officials are drafting proposals to allow lawyers in England and Wales to take on libel actions on a "no win, no fee" basis, as they can in Scotland.

If the threat of privacy legislation has soured relations between the news media and the government, the introduction of no win, no fee funding of libel actions in England and Wales without removing the right to trial by jury will lead to outright warfare between the press and the government. It would also be the last nail in the coffin of investigative journalism, and enable crooks and war criminals to stifle legitimate public comment on their past histories and criminal activities.

In Scotland, lawyers have for some time been able to work on a no win, no fee basis, provided the client has a reasonable prospect of success. Such work necessitates a high standard of professional ethics to avoid abuse and lawyers work on this basis only if the client cannot afford the litigation and the subject matter is of such importance that an injustice would be done if no action were taken.

Libel falls into this category. But at a time when jury awards in libel actions are fiercely criticised in England, jury trials are now on the increase in Scotland, where libel actions are usually heard by a judge alone.

A recent award in a Scottish case with a jury exceeded by nearly 700 per cent the previous record of libel damages handed down by a judge.

Someone who has been

defamed in Scotland but who is unable to fund a court action may therefore be able to find lawyers who will enter into a no win, no fee arrangement, not least because the onus of proof is reversed in libel actions and placed firmly on the defendant, often a newspaper or television company. If the defendant wins the case, the pleasure is short-lived when the company finds that the pursuer, as the plaintiff is called in Scotland, cannot meet the defendant's costs.

A similar financial dilemma confronts defence lawyers in libel cases. This can lead to what is known as "legal aid blackmail": the pursuer or plaintiff's lawyer makes it clear early in the proceedings that from a commercial point of view, it would be more sensible for the defendant to pay up rather than fight an expensive action with no hope of recovering any costs from the legal aid fund.

Is Lord Mackay passing a death sentence on investigative journalism?

The recent case of *Gecas v. Scottish Television* demonstrates the Catch-22 situation the media will in future face if the Scottish "no win, no fee" basis for funding libel actions comes south. *Antanas Gecas*, who was branded a war criminal in STV's programme *Crimes of War*, claimed £600,000 in libel damages from the company. After a four-week trial, which for seven days decamped to Lithuania so that key evidence could be taken there, Gecas lost his action and Lord Mackay in a ringing judgment referred to him as a man who had "committed war crimes" against innocent civilians of all ages and both sexes...

But while the TV crew were celebrating a great libel victory, the financial repercussions

of it is because plaintiffs in libel actions are not eligible for legal aid that the Lord Chancellor is thinking of introducing the no win, no fee system. This would enable the less well off to seek redress when attacked in the media. That is wholly laudable and were the onus of proof to be placed firmly on a plaintiff, as in most civil actions, there would be no serious disrepute from the media. But in the libel arena, a defendant is "guilty until proven innocent"; a concept alien to every criminal lawyer, but one that newspaper lawyers live with on a daily basis.

With no-figure jury awards, not uncommon in England and Wales, introducing a no win, no fee system without abolishing trial by jury in libel actions would invite specula-



Antanas Gecas in his libel case points up a media Catch-22

tive actions of the worst kind and cause relations between Fleet Street and the government to sink to a new low.

To prevent serious misuse of such a system in defamation actions, the Lord Chancellor must give serious consideration to making plaintiffs prove that the article was (a) not in the public interest; (b) not in good faith; the newspaper had refused to give the plaintiff a sensible right of reply and/or correct obvious inaccuracies; and (c) published before or without reasonable inquiries having been made (i.e. the allegations in appropriate cases, had not been put to the plaintiff for comment before publication).

Once these reforms were

introduced and trial by jury in libel actions was abolished, as in Scotland, the Lord Chancellor might consider bringing his no win, no fee system south.

To do so before reforming the libel system in England and Wales would lead to the most serious erosion of free speech in this country since the Bill of Rights, 1689. Lord Mackay, we hope, too bright and too sensible to want to be the Lord Chancellor who put on the black cap and sentenced free speech and investigative journalism to death in this country.

Alastair Brett is company solicitor to Times Newspapers Limited; Derek Currie is a partner with Bird Semple Fyfe Ireland in Glasgow.

Giving claimants a real benefit

SOCIAL security payments account for nearly a third of all public expenditure. More than £1 billion is spent each week by the government on benefits and their administration. Yet social security law and procedure remain a jungle of complex rules, impenetrable to all but the specialist, rarely subject to independent scrutiny for fairness or consistency. Much-needed light has been thrown on the subject by John Baldwin, Nick Whiteley and Richard Young's book, *Judging Social Security: The Adjudication of Claims for Benefit in Britain* (Clarendon Press, Oxford, £25).

Social security has two main components. First, there are means-tested benefits designed to relieve poverty. These include income support and family credit. Second, there are benefits paid to those who have made contributions to cover specified risks, which include unemployment benefit, invalidity benefit and retirement pensions.

The research conducted by the authors involved visits to three types of institution: to local offices of the Department of Social Security, where most claims for benefit are determined by adjudication officers; to the offices of the Department of Employment which deal with claims for unemployment benefit, and to tribunals hearing appeals from these decisions.

The authors' conclusions on departmental adjudication are troubling. Adjudication officers do their best to consider cases independently and fairly, but so large is the volume of claims, and so complex the regulations to be applied, that "concerns are cut in routine fashion in local offices as adjudication officers struggle to keep abreast of the workload". The independence of officers is under threat, not through any attempt by managers to influence particular decisions, but "by the sheer scale of work that has to be processed".

Of course, speed has to be balanced against accuracy in this context. It is no use telling a person in urgent need of income support that a decision will be given in a few months' time when the implications of the latest decision from the Court of Appeal have been fully considered. But it is plain from these findings that more resources are essential to improve the quality of decision-making on claims made by the weakest and most vulnerable sections of our society in circumstances that may be critical to their welfare.

The process of internal review of decisions also requires reform. As the authors suggest, any review should be carried out by a different person from the one responsible for the original decision, and if possible the review should be conducted by the officer

who will present the department's case before the tribunal if an appeal is brought. The appeal procedures score more highly in this independent assessment. When a claim for benefit has been repeatedly rejected by officialdom, appellants — most of whom are unrepresented — might be expected to misunderstand and resent a tribunal which has the difficult duty of applying restrictive legal rules, whatever the justice of the cause.

Unsurprisingly, "very few of the appellants we interviewed regarded a visit to a social security appeal tribunal as an agreeable or interesting day out". Nevertheless, Baldwin and his colleagues found that "however we approached the question, it was apparent that most claimants thought that the tribunal had dealt fairly with their appeals". This is, indeed, "impressive testimony to the efforts made in recent years to create a more professional approach in social security adjudication".

Regrettably, the authors patronise appellants by urging "caution" when interpreting these answers because "appellants may perceive hearings to be fair, but in certain respects they are not well placed to judge".

Given, and rightly so, are the days (1975) when Lord Denning could assert, on behalf of the Court of Appeal, that the courts should be reluctant to interfere with decisions of appeal tribunals on points of social security law because the legislation "should be administered with as little technicality as possible. It should not become the happy hunting-ground for lawyers".

Baldwin and his colleagues remain pessimistic about the utility of the appellate process at higher levels when Parliament has a tendency to close loopholes that favour claimants as soon as they are revealed.

This is to underestimate the value of litigation as a source of reform and as a deterrent to unfair conduct by officials. It is unfortunate that the research did not cover the role of the social security commissioners, who hear appeals (about 1,000 a year) from the tribunals on points of law, and from whose decisions there is a further appeal to the Court of Appeal.

Baldwin, Whiteley and Young assert that "it is naive and artificial to view adjudication in a political vacuum or to assume that it can operate independently" of its political and economic context. Readers may take or leave the politics of *Judging Social Security*. The factual information it provides about the working of the adjudication system cannot be ignored.

• The author is a practising barrister and a Fellow of All Souls College, Oxford.



DAVID PANNICK QC

Obliged to act on suspicion

Financial advisers could go to jail if they fail to spot 'dirty money'

Money laundering proposals, to become law next year, to comply with a European Community directive, will make every employer and employee a part-time policeman. Particular burdens will be on those thought most likely to have contact with "dirty" money, including banks, building societies, insurance companies, solicitors, accountants, stockbrokers and auctioneers.

The proposals, surprisingly little publicised, are given in implementation of the EC Money Laundering Directive, a Treasury document circulated in May to various representative bodies.

The idea is that reducing the opportunities for criminals to launder their gains through the financial and business markets should ultimately discourage the crimes. The smack-on laundering must be EC-wide. A state with inadequate defences would become a magnet for dirty money.

To comply with the EC directive, the legislation need only cover drug dealing money, but the government has invited views on whether the proceeds of other crimes should be covered. The police will probably press for the Act



to extend beyond drug proceeds. This might be welcomed by some, who would prefer not to have to speculate about the nature of the crime involved.

Few will complain about the proposed new offence, involving up to 14 years' jail of knowingly acquiring, possessing or using drug money. This will merely extend the existing range of offences arising from drug money laundering.

The striking change will be the duty to report suspicions of money laundering. At present there is no general obligation to report a crime in future, however; anybody who, in the course of work, learns or suspects that another person is engaged in money laundering must report the suspect. Failure to do so will be punishable with up to five years' jail.

To avoid potential difficulties in proving knowledge of the money's origins, the EC directive requires the legislation to say this "may be inferred from objective factual circumstances". But what of the defendant who was not sufficiently worldly to recognise the indicators?

Those likely to receive dirty money will acquire more onerous, and potentially expensive, duties, without any hint of

authorities and an understanding of the offences created by the legislation.

There will inevitably be an additional price to pay in terms of loss of confidence between a client and his professional advisers.

A client will be taken aback to learn that a visit from the police results from his own solicitor's or stockbroker's concern about the origins of the money he wants to spend on a weekend retreat or some Marks & Spencer shares. He may believe he should have been warned that the police had been alerted. That, however, would expose the solicitor or broker to five years inside for an offence called "tipping off" in the Treasury's consultation document.

In recent years there has been a steady flow of legislation "removing the historic 'right to silence' and creating obligations to answer questions from the authorities. The money laundering legislation will go a step further by requiring a person to take the initiative in reporting their suspicions. This is all part of the constant battle to strike a balance between the freedom of the individual and the detection of crime.

The staff training must include familiarisation with the organisation's procedures and record-keeping, the recognition of factors indicating suspicious transactions, the obligation to report them to the

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Consistent Farsi to reap reward in stamina test

FARSI, a consistent performer in staying handicaps this season, can gain his second success of the term in the Phil Bull Trophy at Pontefract this afternoon.

His previous victory came at Doncaster in June when he defied 9st 1lb in a modest handicap but he has subsequently produced more noteworthy efforts in defeat.

Reg Hollinshead's four-year-old finished a close third behind Karsik and Mill House at Newmarket in early July, a run which has made him look all the more creditable by the runner-up winning his next three races.

Farsi then moved on to Goodwood where he produced a sustained run in the straight and fought a prolonged duel with Bardolph before going down by a short head in the Goodwood Stakes.

Provided that he has recovered from his very hard race there—and he has had almost a month to do so—Farsi should confirm that form with

Retouch (fifth) and Haitham (eighth) who look his main rivals today.

Both enjoy a pull in the weights with Farsi in today's non-handicap but not sufficient for them to reverse the form.

Coincidentally, Haitham and Retouch filled the first two places in last year's Goodwood Stakes, Reg Akhurst's stayer beating his rival by one-and-a-half lengths in receipt of 7lb. At level weights today, Retouch should take his revenge on Haitham and he looks the main threat to my nap.

Hollinshead saddles another consistent type in Nominator in the Timeform Futurity but preference here is for Eysfield Flyer, who can make his second successful Yorkshire raid of the month.

Peter Chapman-Hyam's son of Sharrood was an eight-length winner of a 16-runner maiden at Ripon ten days ago and should hold no many guns for today's well-exposed race.

Cumani and Dettori can complete a double with Jallaf in the Queen's Park Spa Maiden Guaranteed Sweepstakes.

and should hold no many guns for today's well-exposed race off a mark 3lb lower in this 0-80 handicap.

Cumani and Dettori can complete a double with Jallaf in the Queen's Park Spa Maiden Guaranteed Sweepstakes.

Thought good enough to be entered for last week's Gimcrack Stakes on the strength of his early work at home, the Woodman colt has shown enough racecourse ability in finishing third to Wharf at Newmarket and Tadifit at Yarmouth to suggest he can open his account in this run-of-the-mill contest.

Lidia Pearce, the season's outstanding lady rider, can continue in excellent form by partnering Long Furlong to victory in the Brighton Ladies Handicap.

Long Furlong, the winner of three races for Reg Akhurst last season, has failed to show his best form so far this term but the combined talents of Martin Pipe, for whom the gelding is having his first run, and Pearce may do the trick.

Both those performances were achieved with an official rating of 81 and Pearce may do the trick.

Lewis to join Eddery in Silver Wizard appeal

BY RICHARD EVANS, RACING CORRESPONDENT

THE Jockey Club will face a double appeal tomorrow following from the five-day riding ban imposed on Pat Eddery at York last week and the demotion of Silver Wizard in the Gimcrack Stakes.

Geoff Lewis has decided to join the champion jockey at Pormean Square and argue that his colt should have been allowed to second place in the £60,000 race.

Eddery's five-day ban for

careless riding on Silver Wizard came after the local stewards decided he had hampered Green's Bid, who

finished third behind

Splendid.

Lewis said yesterday: "Silver Wizard was harassed and interfered with by Green's Bid who deviated twice in front of our horse. How do you get round an animal like that? By seeking written permission to pass?"

Michael Stoute returned from Deauville yesterday to be confronted with much more pleasant tasks — finding a

suitable race for Desert Shot, who won impressively at Chester on Saturday following an equally authoritative debut at Newmarket.

"I have not seen the race yet but we have always liked this horse and he has always worked like a good animal. He is a full brother to Moyave and Walter Swinburn has said that seven furlongs might suit him next time."

Stable companion Dancing Bloom heads the 13 entries for the group three Prestige Stakes at Goodwood on Friday following her four-length victory in the Virginia Water Maiden Stakes at Ascot a month ago.

"You never know what she beat last time but I like the way she has been working in preparation for this race. Although she is bred to stay, she won over six furlongs first time out, which is encouraging," Stoute said.

In Saturday's big race, the

Beefeater Gin Celebration Mile at Goodwood, Brief True could provide the main opposition to Selkirk. Dermot Weld's St James's Palace Stakes winner was among yesterday's ten five-day declarations.

Selectors drop Millar for Spain

BY PETER BRYAN

ROBERT Millar, whose last-day solo escape on the climb of Helme Moss was the highlight of this year's Tour of Britain, has not been selected for the world road race championship in Spain on September 6. He has been dropped because he missed the national professional title at Kilmarock on June 28.

The British Cycling Federation had made "an appearance" at the event a precondition of selection for the world championship in Benidorm. Millar originally asked to be excluded, claiming that the race in Scotland came too close to his final build-up for the Tour de France, but the selectors would not free him.

Later, Millar submitted a doctor's certificate which said that the Scot, 33, a former winner of the mountain prize in the Tour de France and Giro d'Italia, had tendinitis. Millar finished eighteenth in this year's Tour de France. He said from his home near Paris that he was "disappointed" at the method of selection.

Sean Yates, the British road champion, will also be absent—but at his own request.

Britain sends a six-man squad, half the permitted number, because of "limited finances", a member of the selection committee said yesterday.

The five-man track team is headed by Shaun Wallace, silver medal-winner in last year's world 5,000 metres pursuit in Stuttgart. He will ride the £15,000 Lorus monocoque cycle which Chris Boardman used to win the Olympic pursuit title.

TEAM BRITAIN: Track, sprint and team pursuit: S Wall, C Doyle, S Wiggins, 5,000m pursuit: S Watson, H Lodge, T Herne, B Smith, N Hoban.

BASEBALL

Glavine extends his record

ROBUST pitching has contributed mightily to the success of the Atlanta Braves, who lead the National League West (Robert Kirley writes). They are the only club whose front-line starters — Tom Glavine, Steve Avery, Charlie Leibrandt and John Smoltz — have not missed a turn in two seasons.

Glavine drew in two runs and set a club record with his thirteenth consecutive victory in a 4-2 decision over the Montreal Expos. His record is 19 wins and three losses and he has not been defeated since May 22.

The San Francisco Giants beat the Pittsburgh Pirates 6-5 and became the first team to beat Tim Wakefield, the knuckleball pitcher. Wakefield, whose offerings waltz at 45mph, had not allowed more than two earned runs in any of his first four starts.

Thomas Monaghan has sold the Detroit Tigers to Mike Ilitch, a rival pizza baron. Ilitch also owns the Detroit Red Wings of the National Hockey League.

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THE TIMES

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BEFORE THE OFF

GOALS & GOALS

Essex benefit from fruitless round of matches

Robinson's target proves too stiff for Leicestershire

By IVO TENNANT

LEICESTER (final day of three): Leicestershire (7pts) drew with Nottinghamshire (5)

IF EVER there was a round of championship matches for Essex to be heartened to miss, this was it. None of the pretenders to their title and leadership of the table, Kent, Northamptonshire, Leicestershire, Middlesex and Nottinghamshire, gained as many as eight bonus points as a result of a succession of rain-affected draws.

Thus Essex have a lead of 24 points with, crucially, at least one match in hand on most of their challengers. Leicestershire and Nottinghamshire made what they could of the final day at Grace Road through an unexpected imaginative declaration by Robinson, but the loss of 36 overs through rain on Saturday ultimately proved to be insurmountable.

It took Nottinghamshire until mid-afternoon before they had sufficient runs to contemplate leaving Leicestershire a target. A four-and-a-half hour century by Broad, his fifth of the season, was thoroughly commendable. Yet there was no discernible attempt after he was out to do anything about improving the run rate, and Briers, Leicestershire's captain, had no intention of offering his opponents cheap runs.

So Nottinghamshire's declaration, leaving Leicestershire to make 178 in half an hour plus 20 overs, was a surprise in

COUNTY TABLE

	P	W	L	D	BB	HS
Esses (1)	18	8	5	5	54	60
Kent (6)	19	7	2	10	53	63
Leicestershire (16)	20	6	4	8	54	50
Nottinghamshire (10)	19	6	4	8	54	50
Middlesex (15)	19	5	1	13	57	82
Notts (4)	18	6	5	7	43	46
Warwickshire (2)	18	5	7	6	46	46
Surrey (5)	19	5	6	8	50	45
Gloucestershire (3)	18	5	6	7	55	51
Hampshire (9)	19	4	5	10	53	49
Sussex (11)	18	4	6	5	51	49
Yorkshire (14)	19	4	5	10	50	49
Leeds (8)	19	3	5	4	48	45
Somerset (17)	19	3	4	12	44	46
Worcestershire (7)	18	3	4	12	46	55
Glamorgan (12)	18	3	4	11	41	42
Durham (4)	19	2	8	9	37	37

Includes abandoned match

was bowled swinging wildly at a long hop in Hemmings' first over. In the last over before the final 20, Benson tried something futuristic and was stampeded by some distance.

Benjamin was promoted to stop and, trying to get everything to leg, inevitably did not stay for long. Randall held a finely judged, slithering catch at wide mid-on. Four of Potter's first five runs came through overthrows and, with Briers driving strongly in the arc between mid-on and mid-wicket, 82 of the last ten overs was still not out of the question.

This kind of task, after all, might well await Leicestershire in gloaming such as this in the NatWest final next month. Their difficulty now, though, was that their strokemakers and sole slugger had come and gone. Potter, whose game is essentially an orthodox one, was held at deep mid-off, attempting something foreign to his nature.

All depended now on Briers, and he understandably settled for falling back on defence. Nottinghamshire crowded the bat for the remaining five overs — from which Leicestershire needed 60 — and although Hemmings bowled Nixon and an influenza-stricken Boon was snaffled by Afford, attempting to cut, Briers was steadfast. His second half-century of the match came off 79 balls and included eight fours. No one had been more surprised than him by the declaration, although as a schoolmaster, he should know all about the avoidance of dull draws.

With the exception of Briers, who was in throughout the innings, there was nothing scientific about Leicestershire's batting. Whisker opened with the captain and draw.

Northants yield to elements

By RICHARD STREETON

NORTHAMPTON (final day of three): Northamptonshire (4pts) drew with Kent (1)

KNOWING that the winners would close the gap on Essex, the championship leaders, these sides continued playing in the rain yesterday in a desperate effort to secure 16 crucial points. Half an hour after tea, though, the players finally yielded to the weather. By then, Northamptonshire were the better placed to fulfil their ambition.

Northamptonshire had been set to make 253 in 69 overs and still needed 145 from 28 overs, with nine wickets in hand, when the match was abandoned. The declaration had seemed generous on a pitch which had become increasingly docile, compared with its unpredictable behaviour earlier, but its merit was that both teams had a chance to win.

As things turned out, only two wickets fell in the four and a half hours' play that was possible after Bailey and Benson had discussed how they could salvage a result from a match, in which a mere 22

were available on Saturday. A marvellous innings from Ward dominated the morning as Kent made 141 for one from 33 overs before declaring ten minutes before lunch.

Northamptonshire stuck to their regular bowlers, who were ruthlessly punished by Ward. He was left undefeated with a scoreless 95, made from 89 balls and including a six and 11 fours. Few opening batsmen in county cricket can devastate opposing bowlers

like Ward when he is in the mood and he is more consistent than most.

Drives, pulls and square cuts brought him his runs. For the second time in the game Benson was caught behind against a ball that bounced more than most, but Taylor stayed with Ward as runs were easily accumulated.

Fordham and Felton, one in what proved to be 93 overs, were sitting pretty at tea at 191 for four with Thorpe and Alistair Brown, an exciting young player, going well. With eight runs added both were out. Feltham and Martin Bicknell took the score to 268 before three wickets fell for 14, leaving the last pair, Kendrick and Boiling, to score the last 20 of 40 balls. They had two balls in hand at the end.

By the time the rain arrived at New Road, Durham were safe from defeat against Worcestershire. Paul Parker leading them out of trouble with an entertaining innings of 94, which included 20 boundaries, four in one over by Stump. Parker and Bainbridge put on 145 for the second wicket.

Just before tea Fordham lifted a drive against Hooper and Fleming took a good diving catch at mid-off. Drizzle had been falling for some time and it became heavier after the interval, finally forcing the players to go off.

Bailey: opted for win

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Bailey: opted for win

THE Premier League seems the most promising territory for treble chance results this week, with four of the ten coupon matches marked down as draws. Blackburn Rovers, reaping an early benefit from Jack Walker's millions, can stop the Coventry City bandwagon which has given the Midlands club maximum points from the first three games and a top-of-the-table placing.

Leeds United have not been gun-like champions but neither do Liverpool look the force of old. There was never much to choose between them in the days of Don Revie and

Aston Villa's record so far is played three, drawn three and another stalemate looks likely when they travel to Sheffield United. Patrick Thistle v Dundee is the most confident draw selection in the Scottish premier division.

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gun-like champions but neither do Liverpool look

RUGBY LEAGUE

Schofield believes Leeds have found successful formula

By CHRISTOPHER IRVINE

LEEDS have had their dream teams before, usually made up of exceptional soloists who failed to gel as an effective combination. When Doug Laughton, an alchemist among coaching's base metal merchants, confides to the discovery of the correct formula this time, then maybe the long-time heirs apparent can at last lay a legitimate claim. If Laughton does indeed have it right, then it is at the creative axis of loose forward, stand-off and scrum half where Ellery Hanley, Garry Schofield and Andy Gregory form an irresistible force. In five lean years at Headingley, Schofield, 27, has been the club's one brilliantly consistent figure amid the many highly-profiled imports and panic purchases. One Yorkshire Cup, in 1988, is small change from an outlay over five years approaching £3.5 million.

"Appealing really, isn't it?" Schofield said. "You just can't go out and buy instant success, as we've discovered time and again. But this time there has been a more carefully thought-out process. Our strengths are

Schofield: optimistic



not in just one place, where we've fallen down before, but throughout the side."

"We've addressed the problems of the pace of the pack and our overall strength in depth. Doug has also got into everyone the real desire you need, and we've put a stop to one of our problems: shooting each year about what we're going to do. We'll be judged match by match."

The game, generally, is trusting that Laughton can

pull out at least one plum. The club's last Challenge Cup was 14 years ago; their third and final league championship came six years before that. A strong Leeds is expand with a strong game, and is needed to counterbalance Wigan and Lancashire domination. As the only club not scratching around for money, Leeds have once again plundered the market. The difference, according to Laughton, is that he has assembled just about his model side.

With Alan Tait at full back and Jim Fallon, the former England B rugby union wing joining New Zealander Craig Innes, another fast-developing convert from the other code, Laughton has assembled one of the fastest and most powerful attacking units.

He has brought penetrative bulk to a pack, with the New Zealand international, Gary Merzer, introduced as the workhorse to make up yardage through the middle. The utility forward, Mick Worrall, arrived yesterday from Salford, in a swap deal involving Phil Ford. But the signing of the Australian forward, Mark Geyer, is off because the player damaged a knee in a car accident in Sydney over the weekend. But enquiries have already been made about another overseas player and there could be developments before the opening league game.

At the end of their last injury-plagued season, in which Leeds were surprisingly beaten 24-0 by Widnes in the Regal Trophy final and slumped to eight defeats in their last 11 league matches, Martin Offiah's rump in Wigan's 74-6 win in the Premiership semi-final was the most bitter humiliation.

Schofield insists that the pride is back. The series of frustrated followers will have to be convinced. The task of doing so starts at Headingley on Sunday against an equally ambitious St Helens.

Platt wins improved contract with Wigan

A NEW two-year deal with Andy Platt, widely rated the best forward in the world, has given a significant boost to Wigan ahead of the new season which they start at the Don Valley Stadium against Sheffield Eagles on Friday (Christopher Irvine writes).

Platt, 27, arrived at a compromise agreement yesterday on his demand for an improved contract. The player was alternatively looking at a move to the Sydney club, Parramatta, which would probably have excluded him from Great Britain's World Cup final team to face Australia at Wembley on October 24. "Andy's decision is fantastic

news. Both parties had to bide a little on the deal," Jack Robinson, the Wigan chairman, said.

The Rugby Football League yesterday asked two Wigan players, Martin Offiah and Kevin Skeerott, for an explanation of their non-attendance at the medal presentation after the Charity Shield game at Gateshead on Sunday.

Leigh have agreed a short-term contract deal with the Australian forward, John Ellis, 24, of Belmont, Tigers, after failing to sign his teammate, Tim Roisher. St Helens have signed Chris Joynt, the Great Britain under-21 forward, from Oldham.

Both parties had to bide a little on the deal," Jack Robinson, the Wigan chairman, said.



THE Paralympics are only ten days away, and while the focus of attention is on the top athletes and medal hopes, the Games are also an opportunity to encourage children with disabilities to participate in sport at all levels (Alix Ramsay writes).

BBC Television's sports programme for children, *We Are The Champions*, presented by Gary Lineker, celebrates its twentieth anniversary this year.

Sport for children with disabilities was first introduced to the show nine years ago, and it is now devoted entirely to children with special needs.

"There is probably as much sport

taking place for the disabled as for the able-bodied," Lineker, pictured above, with the British athletes, Robin Surgeoner and Ruth Merry, said at yesterday's preview of the anniversary programme, which will be shown on

September 10. "It's great to see the enjoyment the children get from the programme. It gives them a bit of competition, and we all enjoy competition."

Surgeoner is the favourite for the 100 metres breaststroke gold medal in Barcelona. Merry, the skier who first

appeared on the programme eight years ago, is training for the 1994 Winter Games in Lillehammer.

O'Sullivan lines up a record

Ronnie O'Sullivan, 16, equalled the record for the number of century breaks in competition by a first-season snooker professional — 17, by Anthony Hamilton — in the Asian Open at Blackpool yesterday. O'Sullivan's 5-0 win over Ray Edmonds was his 22nd 5-0 win at the Blackpool qualifying school.

Britons begin well

Bridge: Britain's open team beat Hong Kong 18-12, Ireland 24-6, and Mexico 21-9 to end Sunday in second position behind Denmark in their half of the world team Olympiad in Salsomaggiore, Italy. Yesterday Britain beat Japan 16-14. Britain's women yesterday beat Denmark, the 1988 winners, 22-8, for their third win.

Problem solved

Bowls: Ann Bryant, the partially sighted woman who was disqualified from the Somerset county championships for receiving assistance, was allowed to use a monocular to align the jack during her 21-8 loss to Peggy Groves at the Weston-super-Mare open singles yesterday.

Coutts matchless

Yachting: Russell Coutts, of New Zealand, displaced Chris Dickson as match racing world champion when he defeated Kevin Mahaney, of the United States, 2-0 in the final off Long Beach. Mahaney had beaten Dickson 2-1.

Wales falter

Hockey: Wales' hopes of a semi-final place in the European junior championship faded yesterday after a 1-1 draw with Czechoslovakia in Vught, Holland.

Krabbe banned

Athletics: At a final hearing in Frankfurt yesterday, the German athletics federation imposed four-year bans on Katrin Krabbe and Grit Breuer for failing drugs tests.

London defence

Boxing: Colin McMillan will defend his World Boxing Organisation featherweight title, against Ruben Palacio, from Colombia, at Olympia, London, on September 26.

OVERSEAS FOOTBALL

Paris can challenge big two in France

By PETER ROBINSON

THE two-horse race in the French league is over. When once Marseilles and AS Monaco could carve up the silverware in French football between them, there is, suddenly, a rival to the champion and the No. 1 contender: Paris Saint-Germain.

Having rebuilt during the summer, Saint-Germain made perhaps the most astute signing of the continent during the close season: the Kinsman-rated up their third win.

Cleverly rebuilt during the summer, Saint-Germain made perhaps the most astute signing of the continent during the close season: the Kinsman-rated up their third win.

"There is not much you can do when you play a team that strong," Gilbert Gress, the

Strasbourg coach, said afterwards. "All I can do is wish good luck to the other teams who will meet them."

Marseilles have also been busy, dismantling the side that had won the league championship last year and starting virtually from scratch yet again this season. Instead of Jean-Pierre Papin, departed for Milan, there is Rudi Völler, arrived from Rome in place of Chris Waddle, there is Rafael Martin Vásquez, the Spaniard formerly with Torino. However, they will need time to gel after only drawing with Toulouse last week, Marseilles split

tered to a 3-2 victory against Metz.

Stung by their ignominious failure in the German league last season, Bayern Munich are rebuilding furiously. Six summer signings are, it seems, to be followed by a seventh when Lothar Matthäus returns from internationals.

Thus will end Inter's German era: both Andreas Brehme and Jürgen Klinsmann have already left the San Siro — Klinsmann, after being linked with Saint-Germain, ironically replacing Weah at Monaco.

KNOWING YOUR GREENS

SQUASH RACKETS

WORLD CUP: Skinf arena: P. Peiro (Spain) vs. G. Basso (Italy); Women: 1.1km/25m metres final: 1. H. Sambeth (Sri Lanka); 2. N. Sambeth (Sri Lanka); 3. S. Uthaiwattana (Thailand); 4. S. Uthaiwattana (Thailand); 5. S. Uthaiwattana (Thailand); 6. S. Uthaiwattana (Thailand); 7. S. Uthaiwattana (Thailand); 8. S. Uthaiwattana (Thailand); 9. S. Uthaiwattana (Thailand); 10. S. Uthaiwattana (Thailand); 11. S. Uthaiwattana (Thailand); 12. S. Uthaiwattana (Thailand); 13. S. Uthaiwattana (Thailand); 14. S. Uthaiwattana (Thailand); 15. S. Uthaiwattana (Thailand); 16. S. Uthaiwattana (Thailand); 17. S. Uthaiwattana (Thailand); 18. S. Uthaiwattana (Thailand); 19. S. Uthaiwattana (Thailand); 20. S. Uthaiwattana (Thailand); 21. S. Uthaiwattana (Thailand); 22. S. Uthaiwattana (Thailand); 23. S. Uthaiwattana (Thailand); 24. S. Uthaiwattana (Thailand); 25. S. Uthaiwattana (Thailand); 26. S. Uthaiwattana (Thailand); 27. S. Uthaiwattana (Thailand); 28. S. Uthaiwattana (Thailand); 29. S. 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TUESDAY AUGUST 25. 1992

Manchester City complete record deal

Phelan realises ambition with £2.5m transfer

By LOUISE TAYLOR

TERRY Phelan yesterday became the most expensive full back in English football when he returned to his home town in a £2.5 million transfer from Wimbledon to Manchester City. The Republic of Ireland international left back will line up alongside a former team colleague, Keith Curle, at Maine Road.

Both Curle, the central defender, and Phelan moved from Wimbledon to City in £2.5 million deals and now jointly hold the distinction of being British football's costliest defenders.

Peter Reid, the City manager, had faced stiff competition from FA Premier League rivals Crystal Palace and Chelsea for Phelan's services. The player, however, made it clear all along that he wanted to return to Manchester. "I have not been able to sleep since I knew City wanted me," he

Tottenham face Leeds backlash

TOTTENHAM Hotspur will not relish the prospect of catching Leeds United on the rebound at Elland Road tonight (Louise Taylor writes).

The London club, which has yet to win a Premier League fixture, must surely brace itself for a backlash from the League champions, whose pride was punctured by a 4-1 defeat by Middlesbrough at Ayresome Park on Saturday.

David Tutt, the young Tottenham central defender, will continue alongside Neil Ruddock in defence, even though Jason Cundy has recovered from a eye.

Liverpool will be encouraged by the return of Ian Rush, Paul Stewart and Michael Thomas, but must do without Steve Nicol who has travelled to Ipswich Town.

Frank McAvennie, who is on loan to Aston Villa from West Ham United, can increase his chances of a permanent free transfer to Villa Park at Everton. McAvennie will partner Dalian Atkinson in attack because Dwight Yorke,

brought and Blackburn Rovers clearly prompted a change of heart. Reid said: "We paid more than we would have liked for Phelan but quality costs money and this boy is top-class." He will make his debut against Norwich City at Maine Road tomorrow.

The fee for Phelan will be welcomed by Wimbledon, whose finances are being stretched by gates of under 4,000 at Selhurst Park. Joe Kinnear, the manager, said: "We set out to get a certain sum and we have done it. It is good business for the club and I am delighted with the deal."

The England left back, Stuart Pearce, meanwhile fuelled rumours of a growing rift with Brian Clough, his manager at Nottingham Forest, when Clough turned down his request for a pay increase yesterday.

Pearce earns £3,500 a week and wants a rise to put him in the same earning category as many of his England colleagues. Clough has different ideas. On Saturday, Forest lost 5-3 at Oldham Athletic and the manager said: "Never mind improved contracts, I would like to talk to somebody about clean sheets. Pearce is not getting more money, I made up my mind about that before Oldham."

Pearce, 30, would attract interest from Manchester United and Internazionale, both of whom would be prepared to pay £3 million for his signature.

The price of Charlton Athletic's long-awaited return to The Valley is almost certain to be the sale of Robert Lee, their best player, to Middlesbrough. Lennie Lawrence, the Middlesbrough manager who knows Lee well from his Charlton days, said yesterday: "I'm not going to deny an interest. Lee could possibly be coming here." The summing block is money, with Charlton wanting close to £1 million and Middlesbrough not keen to part with more than £500,000.

Everton are poised to sign the Yugoslav international, Predrag Radivojevic, who impressed in their pre-season tour of Germany. Howard Kendall, the Everton manager, yesterday agreed a small transfer fee with Radivojevic's former club in the now defunct American indoor league. "He has got tremendous ability on the ball," Kendall said.

Ian Holloway, the Queen's Park Rangers player who injured an eye during the win against Sheffield United on Saturday, is to see a specialist this morning, but the club is optimistic he has suffered no lasting damage.

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By DAVID HANDE
RUGBY CORRESPONDENT

FOR all save the Australians, who played their part on and off the field with tremendous success, South Africa's return to international rugby union this month raised more questions than answers. That was always likely after their years of isolation but more significant for the rest of the rugby world was the sight of members of the international community pondering anew the decision to award the 1995 World Cup to South Africa.

A host union agreement has been drafted and will receive further attention next week



A certain appeal: Lamb, right, and Gooch acclaim the run-out of Sohail at Old Trafford yesterday

England sprint to emphatic win

By ALAN LEE, CRICKET CORRESPONDENT

OLD TRAFFORD (Pakistan won toss): England beat Pakistan by six wickets

ENGLAND yesterday recaptured the uninhibited dash which won them the first three Texaco Trophy games, and took the last with a great deal to spare. Pursuing a target of 255 as if it was such trifles they would pretend it was 100 more, England galloped home inside 44 overs.

If their urgency owed something to the rain, promised for early evening and falling on cue as the concluding blow were struck, it also reflected the excellence of a pitch which befriended shot-makers. Pakistan were without their two best batsmen, both injured, and it kept them perhaps 40 runs short of a total they could have been backed to defend.

Any doubt about this was banished as soon as Graham Gooch and Alec Stewart exploded out of the blocks like Olympic sprinters. The first four overs of the reply brought 41 runs before Ramiz distinctly withdrew a chastened Wasim and Waqar from the front line. The openers still put in 98 in 15 overs and the

result was not, thereafter, in serious doubt.

The fear, yesterday morning, was that this final international game of the summer would be undermined by the ongoing saga of damaged balls and the Pakistanis' self-righteous pleas of persecution.

Thankfully, it was not. Apart from one curious statement by the Pakistan manager, indignant but far from helpful in clearing the air, the matter remained in the pending tray of the International Cricket Council.

Yesterday's split between the sides was beyond reproach, even the overt verbal hostilities from Waqar put on hold, for the day. Pakistan looked as if they genuinely wanted to patch up a few of the bridges that have collapsed in recent months and they deserve credit for opting to stay on, smilingly and in steady rain, to complete the game.

Waqar was their third captain in as many games and the only time saved Miandad was sighted, during the day was through the window of the match referee's room, where he spent an hour in animated discussion with Deryck Mur-

ray. For Miandad, the 4-1 Texaco Trophy defeat, and its attendant scandal, was a deflating way to end a summer in which he went some way towards indicating he may yet be the stabilising leader Pakistan constantly need.

Gooch was back for England, who omitted Lewis, Small and Hick and gave an overdue debut to Dominic Cork. Gooch may have been

diffident about throwing him into this series but he was not reluctant to throw him into this game, giving him seven overs with the new ball and bringing him back to bowl at the end. Cork's response dispelled the compose of a cricketer with a future.

He should have taken a wicket with his fourth ball, and Pakistan might have been in a sorry mess if he had. Lamb put down a knee-high chance as Sohail flicked impulsively outside off stump. He went on to make 87, bating through all but nine of the overs of the innings.

Both Sohail and Ramiz were eventually run out, after Reeve's gentle swing had bemused Sohail and Muttabi had perished in the slog. Time will tell.

Cork received due reward.

Waqar, whose 75 from 86

balls had been a brief glimpse

of the player promised by

World Cup deeds, swept at a

slower ball and was leg-before.

Cork's last two overs cost only

seven runs and, although

Reeve and Illingworth were

punished, England were still

left with a target they would

have bought after losing the

toss.

Twice they lost two wickets

in quick succession, first when

Sohail's slow left-arm gained

some turn to lure and defeat

Gooch and Stewart, then

when Waqar returned after

lunch by sheer speed.

But whatever the disputes

on the field, they have clearly

been good for business off it.

The Pakistan tour has been

the most lucrative in history,

with takings from the five

Tests and five one-day internationals yielding £7.25 million, £250,000 more than budgeted for by the TCCB.

Last year's six Tests (five

against West Indies, one

against Sri Lanka and three

one-day internationals

brought in £5.9 million. The

profit this year is less than it

appears, part of the ten per

cent increase in prices reflecting VAT changes, which were

absorbed by the board last

year, but it still reflects a

healthy trend.

What may also be significant in the long term is the greater part played by one-day internationals, with all five matches, the most played in a series in England, sold out. At Old Trafford, the comparison with the patchy attendance at this year's Test was marked.

Apart from 600 members'

tickets, the least successful of

the Test grounds had sold out

a month ago, and even though

the series was already settled,

there was a full, vociferous

crowd of 19,000, who had

paid £318,000, compared with £613,000 received for the Test.

The other grounds tell a

different story, with Lord's

and the Oval both enjoying

full crowds for Test matches.

For the moment, the TCCB

continues to insist that the

matches are the games that

really matter and next year,

when the Australians are here,

the Texaco Trophy will revert

to three matches.

But for how much longer?

Overseas one-day cricket is

much more popular, as it

clearly is in the northwest of

England. The old saw has it

that "what Manchester thinks

today, the rest of the country

thinks tomorrow".

There was a straw in the

wind yesterday when, in an-

nouncing the renewal of

Texaco's sponsorship for a

further three years, Roger

Colomb, their managing di-

rector, said: "We will have as

many matches as the TCCB

care to allot us."

The other grounds tell a

different story, with Lord's

and the Oval both enjoying

full crowds for Test matches.

For the moment, the TCCB

continues to insist that the

matches are the games that

really matter and next year,

EDINBURGH FESTIVAL

His Majesty's: Richmond's Orange Tree Theatre presents Harley Granville Barker's previously unperformed play on monarchy, democracy and abdication. The premiere is one of the theatrical highlights of the Edinburgh Festival. St Bride's Centre, Orwell Terrace, Tonight-Sat, 7.30pm mat, Wed and Sat, 2.30pm.

THE BLACK AND WHITE MINSTRELS: The C.P. Taylor celebration continues with his tart comedy of the hazards of being a contemporary liberal. A production by the King's Head Theatre. Church Hill Theatre, Moraygate Road, Tonight-Sat, 7.30pm mat, Wed and Sat, 2.30pm.

THE LONDON PHILHARMONIC: In their second concert of the festival, Strauss' beautiful "Four Last Songs", sung by Felicity Lott, is framed by two Beethoven pieces, his overture "Egmont" and his "Pastoral" Symphony No 7 in A.

Usher Hall, Lothian Road, 8pm.

EDINBURGH FESTIVAL CHORUS: St Giles' Cathedral is filled with the haunting sound of Tchaikovsky's rarely-heard "Intermission Chorus". The Chorus is performed in which the vocal part and melody combine to convey the mystic aura of the Orthodox ritual. Conducted by Arthur Oldham. St Giles' Cathedral, 10.30pm.

Edinburgh International Festival (box office: 031-225 5756)

EDINBURGH FRINGE: BELOW THE BELT: A moving drama about the reality of domestic violence among even the young upwardly mobile class. Born in the Ashes, an amateur production at BBC Scotland, is an unusual and powerful BBC fringe programme. Charlie (Trevor Sellen), an aspiring film director, but when they move in together the image of "New Man" starts to fade. Charlie's desire to be different from the stereotypical violent male. Written by new young playwright Daniel Scott.

ACAPULCO: Seven Berkoff swallows flies in a Mexican hotel while working on a Rambo film. Absorbing character study. Royal Lyceum, 8pm, mat, Sun, 11.30pm. 115 Upper Street, N1 (071-226 1916) Tues-Sat, 8pm, mat, Sat, Sun, 2.30pm.

DO YOU LIKE IT?: Some nice touches animate the lone stones in Alan Alda's straightforward production Open Air, Regent's Park, NW1 (071-486 2411) Tonight, 8pm.

DEATH AND THE MAJOR: An Avril Davies' production of a dark drama on the fringes for review. Penny Downie, Danny Webb and Hugh Ross make up the new cast.

Duke of York's, St Martin's Lane, WC2 (071-536 5122) Mon-Sat, 8pm, mat, Tues, 2.30pm. 120 mins.

GRAND HOTEL: A lush belle epoque in the Thirties. Seminal, Torneham Court Road, W1 (071-588 2562) Mon-Sat, 8pm, mat, Tues, 2.30pm. 120 mins.

HUSH: Told left and a naked, barking youth inhabit April De Angelis's quirky play, a parable of desire. Neil Jordan transforming a black comedy in John Guare's fine play on human inter-dependence.

Cambridge, 8pm, Sat, 4pm, Sun, 3pm, Sat, 4pm. 120mins.

FROM A JACK TO A KING: Witty and slyish version of Macbeth's climb to the top, set in the world of rock bands and packed with audience songs. Andrew Lloyd Webber, London WC2 (071-839 6111) Tues-Sat, 8.15pm, Fri and Sat, 5.30pm and 8.30pm. 120mins.

A MIDSUMMER NIGHT'S DREAM: Acted in a pool of mud, Robert Pethylene's production is long and mucky but treated with magical images.

Regent's Park Open Air, N1 (071-487 551) Tues-Sat, 7.15pm, mat, Sun, 2pm. 145mins.

THE NIGHT OF THE IGUANA: Alfred Molina and a superb Glenn Atkins in Tennessee Williams's play on the effects of sexual repression. Last

NEW RELEASES

ALIEN 118: Segregation Weaver finds a new chief for a Marine Corps. Punctilious drama is dominant. Charles D.utton, Charles Dance; director, David Fincher. Odeon Leicester Square (0426-515 8821).

JENNY GIRL: 118: Cinderella from New Zealand. A tale of love and chance with a few bright moments. Jamie Gertz, Dylan McDermott; director, David Burton Morris. Plaza (071-487 9999).

LOVERS 119: In Franco's Spain, Victoria Abril dons her lover's clothes in a sweet tale of mad love, expertly mounted by director Vicente Aranda.

MGM PICTURES (071-437 3566).

WATERSHIP DOWN: Jeremy Irons as the heroic leader of a band of rabbits who risked it all but failed to return to film Graham Swift's complex novel. Director, Stephen Gyllenhaal. Curzon West End (071-439 4805).

CURRENT

BATMAN RETURNS 120: Quirky but humanised, best when the stoopid falls on Michelle Pfeiffer's electrifying Catwoman. Michael Keaton, Danny DeVito, director, Tim Burton. Empire, 8pm, Sat, 10pm. 120 mins. Fulham Road (071-839 1527) MGM Oxford Street (071-826 0310) MGM Tivoli (071-792 0331) UCI Whiteleys (071-792 3332).

BEETHOVEN 120: Stabbing St.

TODAY'S EVENTS

A daily guide to arts and entertainment compiled by Sara Yelland

author of "The House That Jack Built" National Theatre Studio, 1988.

Assassin's Kiss, 8pm, George Street, Tonight-Sat, 8pm, Sun, 1pm.

HOW CAN YOU GO? 120: Jimi and to all are addressed to coffee and sex. Within the boundaries of a cafe their innermost desires are revealed and played out. This new piece by Watson and Co combines dance, stand-up comedy and music to present a poetic theatre. Original soundtrack by award-winning composer Andrew Lovett.

Theatre Workshop, 34 Hanover Place, Tonight-Sat, 8.45pm.

ANGELS AND AMAZONS: It's Zoo

brings contemporary circus to the theatre. The three female acrobats goddesses hurtle down to earth through time and space, they encounter various jobs held by women over the centuries. This unusual production has a mix of juggling, Bedouin acrobatics, firebreathing, tea-cup balancing and wing-walking, amongst other tricks performed by award-winning composer Andrew Lovett.

Theatre Workshop, 34 Hanover Place, Tonight-Sat, 8.45pm.

DEATH AND DANCING: Direct from New York, the new and exciting Dow's London fringe award-winning Why is John Lennon Wearing a Suit? This new comedy makes use of the classic love story: boy meets girl, boy loses girl, boy finds her again. Sex and sexuality, gender, any-ism, androgyny and when they are all subject to her sharp satire in the British premiere of the show. BAC main theatre, Lavender Hill, Battersea, London SW11 071-223-6557.

JULIAN ARGUELLES: The 26-year-old ex-Exxon Tubes soloist whose

from the Belfast troubadour whose lyrics

the poetic and political with a sense of life's absurdities. Newcomer

New Voices, 8pm, Sat, 1pm.

THE DREAM TEST, Middle Meadow Walk, The Meadows, 8pm, Then

Assembly Rooms, 54 George Street, Wed, 3.30pm, Thurs, 8.30pm.

Edinburgh Fringe Festival (box office: 031-226 5131).

ELSEWHERE

BBC PROMS: The St Petersburg

Philharmonic continues its busy week

with another solo programme conducted by Marco Liebner. The concert features Rossini's overture "The Thieving Magpie", Rachmaninov's Piano Concerto No 2 in C minor, and Shostakovich's Symphony No 5 in D minor. With Michael Rudy on piano. Royal Festival Hall, London SW1 071-223-5958.

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EDINBURGH FESTIVAL

Mark Morris
Dance Group
Playhouse

ONLY one of the six works on Mark Morris's second Edinburgh programme has been given previously in Britain: *A Lake*, which opened Baryshnikov's recent White Oak Project season at Sadler's Wells. This is the one with gentle peasants gambolling to Haydn's Second Horn Concerto; choreographically a kind of ersatz Paul Taylor, but agreeable to watch and to hear. Morris's programme reminds me of Balanchine's remark about his company, that if you did not like the ballets you could close your eyes and hear a good concert.

Morris's dancers come in all sizes, shapes and ages, but work well together, so even if less individually distinguished than those of White Oak Project, the final effect is as good. And Keith Sabado, in Baryshnikov's role, actually does it better: mainly because he looks more at ease in the style, although his neat dapper build, his agreeable personality, his speed and lightness are also considerable assets.

I imagine that Baryshnikov, when he danced Morris's solo *Three Preludes* with New York City Ballet a few weeks ago, did it better than Morris, who is an enthusiastic and theatrical performer, but not notably supple or virtuosically skilled. The music is by Gershwin, the choreographic accent almost entirely on the hands and feet.

Choreographically, the best came in

DANCE: EDINBURGH

Fun shows in all shapes and sizes



The Mark Morris Dance Group in *The Lake*, part of the mixed bill at the Edinburgh Festival

with white gloves and socks standing out from a dark costume and a dark background. The material is slight but Morris's timing is neat and amusing.

The evening began with these two numbers and ended with *Gloria*, in which Vivaldi ensured a good reception for an intermittently inspired but uneven dance invention. Morris is a

very up-and-down choreographer;

here, both up and down within one

work, I should give special credit (as

Morris did) to the Schola Cantorum

Scottish Ensemble, pianist Linda

Dowdell, mezzo-soprano Lorraine

Hunt, horn player David McClelland

and violinist Jonathan Rees.

Choreographically, the best came in

the middle. *Make an exception*, even

there, for *Beautiful Day*, an elementary duet, all wrappings and rollings, to the cancan. "Schlage doch,

gewünschte Stunde".

Bedtime is a more ambitious

and successful piece, set to three Schubert songs related only by their references to sleep and dreaming. In "Wiegendien" a woman dances a simple solo which

brings together three watching women

and their sleeping sons. "Ständchen"

combines these dancers with more

women into swirling patterns inter-

rupted by poses which seem to want to

spell out words. Finally, "Erikönig"

has Morris as the demon getting a lot

of fun out of his conquest.

But *Polka*, lasting only four minutes,

is the crown of the evening. Here, to

Lou Harrison's Grand Duo for violin

and piano, Morris abandons his

American influences for grotesque

movement in the manner of 1920s

"German dance". For once, his habit

of pounding out the music's rhythms

looks absolutely apt: the whole thing is

tremendous fun.

Morris's movement is often crudely

simple, his use of it clever and well-

planned. His love of dance and music

are unmistakable: his achievement

extremely variable. Much of this

programme shows him at his best.

JOHN PERCIVAL

THEATRE: EDINBURGH FRINGE

Women come out best even when in decline

but that little eccentricity does not prevent her embodying bairnly old age, sassy youth, and several points in between. She has only to take off her specs and unbrush her shoulders to be a new woman.

Somewhere there, perhaps, is Ong's she-monster, but he does try to explain her: oppressive father, despotic mother and Dr Watson are among those treading the boards, along with Mary Seacole, "forgotten heroine of the Crimea", and parodies of Mother Teresa and St John the Divine. There are solo versions of Ovid's *A Christmas Carol*, the novels of Margaret Laurence, and 27 of Shakespeare's plays. There is even a one-man company called Public Enigma in an "enormous" play called, simply, *Public Enigma*.

Well, it was hard to know where to begin: but I think I chose well. Henry Ong's *Madame Mao's Memories*, already seen in another production show. Van Gogh, Dali, Mozart's sister, Keani, Garick, Dorothy Wordsworth and Dr Watson are among those treading the boards, along with Mary Se

The Duchess of York has revealed a little more than she might think. Publication of the notorious photographs showing her in a state of undress in the company of a man who is not her husband has brought into focus the crucial importance of tabloid newspaper picture desks.

Last Thursday, the first day the photographs were published, the *Daily Mirror* sold out its normal 3.5 million print run and took the step of printing 400,000 extra later that day. On the following day, *Mirror* sales were up by 300,000 while *The Sun*, which published the most revealing photograph of all, claimed its highest circulation in four years.

This was proof, if any were needed, that photographers sell newspapers. Yet the back room operators who organise the gathering of photographs are hardly known outside newspapers. They are sometimes even the butt of scorn within the business, seen as failed photographers or inadequate executives who cannot make the grade on the supposedly more pressured news desks.

Wise tabloid editors, however, realise that picture desk staff can be of immense value, not so much

as spotters of good photographs, but as organisers and communicators with the far-flung photographic community. Good picture desk executives spend most of their time with a telephone clamped to their ears, just keeping in touch with photographers.

It is clear that the *Daily Mirror* picture desk played a key role in ensuring that the newspaper obtained its "exclusive" photographs from Daniel Angeli, the Paris-based Italian paparazzo who secretly photographed the duchess and her friend, John Bryan, at a St Tropez villa.

Taking photographs is one thing; selling them is quite another. A photographer needs contacts, not to mention marketing acumen, and Signor Angeli showed he had both. He managed to negotiate lucrative sales of his 50 or more colour photographs to leading European and American magazines and newspapers. In Britain, he chose the *Daily Mirror* due, in part to his good relationship with the picture desk.

How the Mirror scooped the pool

The sales-boosting Duchess of York saga has highlighted the work of a normally unsung part of the press: the picture desk

As far as freelances are concerned, a good relationship means that a desk which does a rapid telephone deal what it promises on time. Every freelance has a story about a desk failing to keep its end of the bargain.

Once Signor Angeli had contacted the *Mirror*, an executive flew to Paris to see if what was on offer was as good as it sounded. He declared the photographs "dynamic", and the deal was sealed.

We have to keep this in perspective: it is not a purely tabloid phenomenon. A *Sunday Times* picture editor once flew off at a moment's notice to Cyprus in the expectation of buying exclusive photographs of the then-captive Terry Waite. As so often happens, that tip was false, but it illustrates just one aspect of the picture desk's

contribution to a newspaper. In fact, the desk staff — there is usually an editor, a deputy, a couple of assistants and, most importantly, a night picture editor — have several overlapping functions.

In recent years, with the introduction of colour transmission straight on to screens, they have had to learn to handle advanced technology. But one essential aspect of their work has never changed: the handling of people. They must organise their staff photographers to ensure that daily run-of-the-mill events are covered, always keeping in mind that they will need to respond to big news stories.

Not even the most farsighted picture editor could predict when or where news will next occur and

train relationships with the scores of British and foreign paparazzi who haunt showbusiness personalities and royalty, while courting the more respectable agencies or photographers who specialise in winning authorised access to film, television and pop stars.

These contacts must be massaged continually in the hope of winning that elusive exclusive, but the problem is that photographs cost money and photographers who spend months earning very little while trying to land the big one will always aim to sell to the highest bidder.

The only guaranteed way for a picture editor to get an exclusive at a reasonable price is to see the photographs before any rival and offer enough to persuade the freelance not to bother showing them to another editor.

Friendship alone will not suffice, but trust built up over months can make a difference. Picture desk staff must try to treat freelances well in the lean periods. Picture editors must also main-

tain the journalistic community apart from very senior executives tend to be freelance photographers, it is unsurprising that desk staff find satisfying the demands of freelances less than thrilling. One paparazzo with less than a year's experience has been known to boast: "I just paid cash for a new Porsche. I think I'll get a Mercedes next".

Deskbound employees must swallow their pride, knowing that any one of these ambitious and sometimes unscrupulous young men (they are rarely women) could get the photograph at any moment. As one picture editor once told me: "To do this job properly you need loads of charm and the bargaining skills of a barrow boy".

Len Greener, the *Mirror* picture editor, fits that bill perfectly. Unfortunately for him, he was away on holiday when Signor Angeli called to offer his exclusive. He was furious at missing the chance to negotiate one of his newspaper's biggest scoops. The only consolation he has is knowing that it was his desk's track record that prompted the photographer to telephone in the first place.

ROY GREENSLADE

Television is changing, and its leaders are worried. As executives and producers prepare to debate their various headaches, David Cox sets the scene

Each August bank holiday, executives and producers of the small screen gather at the Edinburgh Television Festival to agonise over their destiny. This weekend one subject will overshadow all others: the now-imminent transformation of the broadcasting world by deregulation and technological change.

British Sky Broadcasting's Premier League football coup, the ousting of Granada chairman David Plowright and the BBC's root-and-branch review of its function have been just the outward signs of an industry responding with drastic action to a changing vision of its future.

Over the past year it has become clear that viewers will soon be choosing from a profusion of channels. We may see this begin to happen this winter, if BSkyB's football gamble increases dish sales. However, satellite and cable are now looking like the intermediate technology of channel proliferation. Digital transmission could make scores of channels available before the end of the decade.

Coming hand in hand with channel proliferation is sub-

Is the future of TV up in the air?

scription funding of individual services, which BSkyB has already embraced. Once viewers can buy the programmes they really want, the existing mixed-programming terrestrial channels cannot hope to survive in their current form. Advertiser-supported general channels will provide only bargain-basement viewing, while public service channels will be priced out of the market for popular programming.

Against this background, BSkyB's huge investment in football coverage — £304 million over five years, including a contribution from the BBC — looks less like a reckless gamble than an almost essential step. If it encourages enough people to buy dishes, and they pay large enough subscriptions to watch the matches, BSkyB could clean up. The income could then be

used to buy rights to other television properties, perhaps including some of the star attractions of the terrestrial channels. On the other hand, the burden of the Premier League contract could drive BSkyB to the wall. Yet this risk has to be taken, for unless BSkyB scoops the pool, it could itself be sidelined by the digital revolution.

To block the BSkyB breakthrough, the ITV franchise-holders may even be prepared to suspend their customary feuding and allow their new network centre the freedom it will need to build a ruthlessly competitive schedule.

However, more may be required. ITV's寒心 must decide soon whether or not to start satellite services of their own. They know, though, that such a spoiling operation could only protect their short-

term income at the expense of long-term prospects. It would divert funds from investment in programmes — and, once channel proliferation is complete, it is in programme-making, not broadcasting, that profits will lie.

The trick for commercial broadcasters such as BSkyB, ITV franchisees and the hapless Channel 5 will be to use the fast-disappearing advantages of broadcasting status to build up a programme factory and library. To do this, however, they must also defend their dwindling stream of broadcasting income.

Commercial broadcasters are not alone in facing problems. The BBC sees its traditional strategy for corporate survival falling apart just as its charter comes up for review. The central element of that strategy has always been the provision of popular programming to build public support for the licence fee, even though that has meant offering many programmes similar to those on the commercial channels. It will not wash much longer.

Once we all have access to scores of channels, the BBC's share of our viewing is bound to fall, as it already has in satellite homes. Meanwhile, the price of popular writing, acting and directing talent will rise, as competition grows more intense. If the BBC threw its licence fee income into such a marketplace, it would be able to buy less and less, so its audience share would fall even further. At the same time, other broadcasters would be providing similar fare without recourse to an unpopular compulsory "poll tax". In such circumstances it is hard to see the licence fee surviving.

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This impending change of direction perhaps explains why the BBC is proving so ready to co-operate with BSkyB, which would become a complementary operator to which predominance in entertainment could be conceded in return for support in, say, news. But it is the BBC's popular programming which has been its greatest glory, not its supposedly worthy activities.

Such an approach would mean that the BBC's audiences would fall even further. Yet it would still provide a more convincing rationale for the licence fee than populism: the licence-payers would know that their contributions were ensuring the survival of those kinds of programme which are judged valuable by society, but whose survival is threatened by intensifying commercial pressure in the rest of the broadcasting system.

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Images of suffering children are powerful, but Patricia Holland believes they allow us to ignore wider conflicts



Young casualty of war: photographs such as this, taken at a hospital in Sarajevo, helped arouse Western outrage over the bloodshed in the former Yugoslavia

Taking a picture of pain

There is nothing like a picture of a suffering child to give an emotive kick to a news story. Atrocities need victims and the more helpless the victim the more effective the story. A pathetic baby on the news-stand will draw the eye of the passing punter, whether it is the kidnapped Farrah Ouli or the traumatised children of Bosnia.

In the past weeks we have been shown the almost unbearable distress on the faces of the children of Sarajevo. There was the crying toddler next to the window crazed by a sniper's bullet. There were the distraught parents parting from their children, perhaps for ever. There was the little girl whose teddy-bear knapsack clamped its arms around her neck — a poignant reminder of more lighthearted times. As with so many other wars, the pictures of children, as much as of the haggard men in the prison camps, are what have helped arouse European outrage at the war in what used to be Yugoslavia.

And yet, there is something attractive — almost enjoyable — in the pathos of these images. A bit like our bitter-sweet reaction to popular postcards of weeping babies. It is a forbidden pleasure that almost becomes a pornography of suffering. We may experience this emotion at second-hand, safe in our homes, away from the terror and pain. They offer an aesthetic of sentiment like that enjoyed by Victorian connoisseurs of beggar girls and the destitute. However powerful the photographs, and however desperate the reality they record, they are part of a familiar repertoire of images called on by the press, advertisers, magazines and

television in their hungry search for impact.

But also in the past few years, there has been another set of photographs of desperate children which have made the front pages less often. The pictures from Somalia show the result of an even greater breakdown of social order. Beside them the pathetic children of Bosnia seem healthy and well cared for.

Agencies such as Save the Children

against a blank background, their social background was erased from visibility. The nameless child could be from any part of the disadvantaged world. The implication was that the whole of the Third World was a place of chaos and disorder, where communities were unable to care for their own children. This was both exploiting the children and demeaning the society from which they came.

The difference between the two sets of images reminds us that photographs are used within sets of conventions that are as rigid as our own history. The tradition of North American and European "poverty" pictures is different from that of Third World "disaster" pictures. Our responses, too, are conditioned and trained — which is why we are shown Bosnian refugees rather than Somali

dead.

From Blair in the 1960s to Somalia in the 1990s, the central icon of Third World disaster has been a picture of a starving child — ribs showing, skin wrinkled, eyes staring with uncomprehending horror; pictures so extreme they alienate rather than arouse compassion. A teddy bear will not solve their problems.

In the early 1980s, the aid agencies made the image of a starving child the centre of their campaigns. Dying babies were posted on city-centre hoardings next to the ads for food, cars and fizzy drinks. The aim was to shock British society out of its complacency. But there was a backlash. Critics objected to the use of a sick child. White babies would never have been shown in such a degrading way, it was said. Often presented

In today's climate

the only way to demonstrate this is news is for the pictures to become more extreme

and Oxfam took the criticisms to heart. Earlier this year, Save the Children issued guidelines for advertising agencies and corporate sponsors as well as writers and photographers. They suggested that pictures should be put into context, that self-help operations should be shown and that children should not be used to symbolise "child-like" communities. Save the Children's advertisements for aid to Somalia show a black woman — possibly an aid worker — giving food to a baby whose smooth skin and look of distress are closer to the pictures we

have come to expect from the traditional pictures of starvation.

But do pictures of self-help and survival make people put their hands in their pockets? And does not there come a time when the situation has gone too far for such niceties? If the aid agencies do not tell us how desperate things are, who else will?

The agencies have played an important role in drawing the attention of the media to Africa at times when the really exciting stories are elsewhere — in the Gulf in 1991, today in the former Yugoslavia. The current interest in Somalia is to a large extent the result of nine months of hard work by Save the Children. But in today's climate, the only way to demonstrate that this is news is for the pictures to become more extreme. It was an ABC report showing a Somali girl left alone beside her dead brother that reportedly spurred the United States into increasing aid. Paul Harrison, the film-maker, has written: "It is an unfortunate truism of famines that by the time the pictures are horrific enough to move people, it's almost too late."

The weekend when baby Farrah, now safely restored to her parents, beamed on all the front pages, what the Irish foreign minister described as "the world's worst horror story" was tucked away inside or was absent altogether.

The theme of child rescue has its own long history, from the boatloads of hapless youngsters shipped to Canada by Dr Barnardo at the turn of the century to the ill-fated airlift from Vietnam in 1975. Many newspapers seem prepared to report a disaster only if they can claim that they

themselves are putting things to rights. "Mirror to the rescue" was the *Daily Mirror* headline on the 1984 famine. "The Mail brings comfort to cyclone children" was the *Daily Mail* headline on the 1991 Bangladeshi cyclone.

The pathos of childhood protects our compassion. Our pity is poured on the children, the innocent victims, who may be rescued by being removed from the community of which they are a part. They are then photographed with a reassuring symbol of safety and Western civilisation — a cup of tea, a dog, a teddy bear.

Compassion for childhood relieves us of the necessity of making political judgments, for children are seen as being outside politics. We are reminded of the UNESCO image of childhood — a cheerful multiculturalism, where different colours and costumes are nothing but variations on a common humanity.

And yet the 1989 United Nations Convention on the Rights of the Child, finally adopted after 30 years of debate and dispute, asserts that children have the right to be brought up within their own culture. And that presumably includes inflation into the deep-seated convictions and bitter rivalries of adult society.

We are left with pictures which arouse unfocused emotions that are pleasurable because they lead nowhere. It is easier to pity the children because they allow us to overlook the ambivalences and muddles of social conflict in which one side is never entirely in the right.

Patricia Holland's book What is a Child? is published by Virago on Thursday.

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Davina esta de vacaciones

Davina Lloyd is on holiday. For some that is enough. They can just file those words — with the appropriate amendments — and burn off to the Bahamas. Since parenting has no statutory vacations, I don't seem to have been offered the option. So here I am halfway up an Andalusian mountainside in a small Spanish village I have been visiting annually for the past dozen years. Like all parents in foreign parts, I am trying to recreate family life far from home, without the regular support systems, chicken nuggets and leisure centre special summer offers.

I reflect as I do each year, that they do it differently abroad — the business of bringing up children. Our neighbours here have known us since before we had children. They used to express deep regret that a nice couple like us were not blessed with issue. They pursued us, asking questions that might elsewhere have seemed impertinent. When I eventually returned *embarazada* (literally, embarrassed with child), they put it down to the candies they'd lit in the local church.

They were kind enough to compliment us on our new babies, but I could tell that my small, pale offerings elicited ill-disguised pity. My babies earned only a *Qué precioso* or *Qué guapa!*, not the *Qué bonita!* reserved for the spherical infants that find favour locally.

I have learnt much about child care here, beyond the reaches of Spock and Stoppard. Apart from this tendency to overfeed, there is a natural wisdom here about feeding children. As a new mother, in the phase of sterilising and boiling everything before a child touched it, I used to be horrified when one of mine pointed at a large, fly-blown dried ham hanging overhead in a shop to find that a slice had been cut off and was passed hand-to-hand by the other customers to my child. Now, I know it's fine. "I'm going to Frascati's for my crisps," they say. "She always gives you *serrano* while you're waiting."

The British are genuinely impressed, if not alarmed, at the sight of Spanish families eating out. It's not that they do it, or how often, but *how*. Babes in arms, rampaging toddlers, indifferent teenagers, and black-clad grannies all set out together, colonise several tables and share food together each week.

It's wonderful and it can be done. Partly, it's because they all use it. Even the tiny ones are broken in to social eating before they believe it to be an alien ritual of manners. And partly, I think, because of the portions. You can order anything in any order as *tapas* (tasters) or *croquetas* (middle-sized servings) or *platos* (full plates). Like the three bears' allocations, these Daddy-bear, Mummy-bear and Baby-bear-sized portions are "just right" for someone. They avoid the tyranny of the clean-plate syndrome, which in Britain torments and possibly creates many a fussy eater.

No better way to side-step themselves are putting things to rights. "Mirror to the rescue" was the *Daily Mirror* headline on the 1984 famine. "The Mail brings comfort to cyclone children" was the *Daily Mail* headline on the 1991 Bangladeshi cyclone.

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DAVINA LLOYD

faddishness in feeding than to give every child the chance to sample everything. The children love the fact that much of it is manual. How can I insist on appropriate cutlery use when the bank manager we know at the next table is scraping up squid sauce with bread?

Another aspect of family life that no longer terrifies me is bedtime. Everyone here is up till all hours. It is quite impossible to maintain domestic routine — eight-year-olds in bed by eight — if your own car, see a three-year-old setting out for an evening's entertainment when she's supposed to be in her pyjamas.

August used to be the cruellest month for this. In the middle of the month is *feria* — a four-day festival in which the entire village participates. What about bed-time, I used to think. How can my babies sleep while the floor is vibrating with rhythm? It is a great lesson in child care to discover that children will sleep whenever and wherever they are tired, even in the middle of the municipal firework display.

There are some parental practices with which I cannot come to terms. Girl babies seem to have their ears pierced by the midwife: the cheeks of comely infants are pinched until their eyes water and almost nothing is denied to the very young in the way of sweets. One sweet-day a week is considered eccentric. I can only hold out by asking that my children observe the black stumps of some village children — what they now term "Spanish teeth".

But after more than a decade as a guest here, I think it is the most child-centred, family-friendly place in the world to come for a holiday. I struggle along with my adult evening-class vocabulary, my children have no problem communicating. My daughter speaks *feijao* and *colouring book* and my son speaks *Legos* — both internationally recognised languages. The teenage boys next door have cooed over the children as babies. An elderly, toothless chap across the road obligingly listens to my daughter singing nursery rhymes. Maria who has a shop in her front room gives them credit for ices.

Everybody retains an unexceptional concern for everybody else's children. Men we hardly know give them a *duro* for smiling, strangers stop them befriending sickly dogs or wandering in front of the bread van. Everybody looks after all the children. So, though I'm still hard at it, I can honestly say *Davina esta de vacaciones*.

Adoption and adaption — a father's dilemma

How a family can be put under stress when it takes in a child

Mia Farrow has four natural children and eight by adoption. Even without the latest disturbing twist — her long-time lover Woody Allen having an affair with Soon-Yi, said to be 21, one of three girls she and André Previn adopted when they were married — the size and composition of her family strikes most people as unusual, to put it mildly.

While following her own earth-mother inclinations appears to have been surprisingly successful for Ms Farrow, giving Woody Allen a co-starring role as step-father for such an extended family has proved to be a spectacular piece of mis-casting. But can men ever adapt to adoption?

Dr June Thoburn, a senior lecturer in social work at the University of East Anglia, who has been involved in the Adoption Law Review to be published next month, says: "I don't think it is a gender issue. If men spend a lot of time with a child they will bond more quickly and that applies as much to a natural child as to an adopted one. It becomes more difficult with an older child because he or she will be off to school, so the bonding process takes longer. Also older children may have some not very nice experiences, so lack basic trust."

Adoptive families face what I call a double jeopardy," Dr Thoburn says. "They may feel less than perfect after seeing countless infertility specialists, have had to have sex to order and grieve every time the wife has her period. The child, too, may feel having been rejected once, less than perfect. A baby, even as young as a few weeks, can suffer a sense of rejection, so the adoptive family has to be very strong, very stable. On the other hand, it is a very stimulating and challenging time to do."

Mr Allen and Ms Farrow have a natural son, Satchel, four, as well as two adopted children, Moses, 14, and Dylan, seven, so Mr Allen is not in the supposedly agonising position of having to "prove" himself as a man.

Peter Yarwood, a Leeds businessman, and his French wife Suzanne, acknowledge that Mr Yarwood probably finds it easier to cope with being an adoptive father because they had a daughter first. "My feeling is one would always wonder what one's child would turn out like, now I know," he says. Their daughter is now aged 32 and they

also have three adopted children.

The first, an Anglo-Pakistani adopted when he was nine months old, is now 26. Then they adopted a Chinese baby and, finally, a Vietnamese baby, now 20.

"If you have a problem with your relationship, adoption can make it worse but adoption itself is not a problem," Mr Yarwood says. "You forget they are adopted most of the time."

Mr Yarwood, a Leeds businessman, and his French wife Suzanne, acknowledge that Mr Yarwood probably finds it easier to cope with being an adoptive father because they had a daughter first. "My feeling is one would always wonder what one's child would turn out like, now I know," he says. Their daughter is now aged 32 and they



Absentee father: Woody Allen preferred to live away from Mia Farrow and his children

says Mrs Shingleton, who has a 15-year-old son she adopted nine years ago and a boy of seven she and her husband are hoping to adopt. "Yet when they announce their wife is pregnant they go out and get drunk and everyone congratulates them as if they have climbed Everest instead of doing something normal that a 14-year-old boy could do. It's as if they are saying 'I am a man now.'"

It is not just men who

assume that virility, self-worth and an ability to conceive are indivisible. When Mrs Shingleton, who has known since

she was 17 she could not have children, was first interviewed about adoption the female social worker said to her husband: "Why aren't you angry?" His reply that perhaps he could not have children either, for all he knew, apparently surprised her, as did their desire for children rather than babies, which was simply a pragmatic decision. They looked at the number over school age who wanted permanent families compared with babies and went to the option with the greatest chance of success.

Recently, adoption agencies

AND BRIEFLY

Put the boot in

THE walkwear specialist George Fisher, of Keswick, offers one of the most prudent ways to invest in walking boots for children. The company, which also hires boots out, offers a "junior boot exchange" for all children's boots, up to a size three, bought there. A discount is given on a new pair, and the outgrown boots go into the hire pool. Contact George Fisher, 2 Borrowdale Road, Keswick, Cumbria CA12 5DA (07687 72178).

Seeing the light

FOR addicts of the Nintendo Game Boy hand-held video games system who play after "lights out", there is now a game light licensed by Nintendo from Nuby. It costs £8.99 but needs four batteries.

Family triangle

AMONG the many courses to be offered at the Healing Arts exhibition, from September 24 to 27 at the Royal Horticultural Halls in Greycoat Street, London, will be one aimed at the family. Bonding and the Magic Triangle (£10) will explore the eternal triangle of mother, father and child. Contact New Life Promotions, Arnica House, 170 Campden Hill Road, London W8 7AS (071-938 3788).

HEATHER KIRBY

VICTORIA MCKEE

MANAGEMENT

Facts or propaganda?

TUESDAY AUGUST 25 1992

The government has opened the door to corporate sponsorship in the public sector. Nicky Willmore reports on the consequences

Many parents will have come to terms with seeing their children's school course work branded with a corporate logo; most will have welcomed the new emphasis put on developing close links between employers and schools. But predictions that corporate sponsorship, a business worth £325 million a year, is about to make greater inroads into the public sector are giving cause for concern.

The scope for future growth is not just in branding museum exhibitions and waste paper bins. Despite the obvious ethical problems, the market research company Mintel tips education and health as two of the main sectors for expansion.

Government reforms are already blowing the doors to sponsorship wide open. The introduction of local management of schools and grant maintained status has introduced a business vocabulary to the staff room. New funding rules based on pupil numbers together with greater parental choice have compelled teachers to wake up to the need to market themselves.

Essex County Council has been quick to seize the initiative. Drawing on a long relationship with Ford UK it asked the company's marketing experts for advice on how schools should best respond to these challenges. The result is a 26-page glossy brochure, *Marketing your School to Pupils, Parents and Industry*, sponsored by Ford. Six hundred schools have also attended Ford seminars which looked at how to use links with industry to attract pupils and resources.

In the NHS, where the sponsorship market is still a very green one, new initiatives such as trust status and the contracting system again make it ripe for expansion.

Providing that companies are not relied on to supply funding for core services, does it matter if they capitalise on schools' and hospitals' inexhaustible



Sweet-talking watchdog: John Ward looks closely at sponsorship

call on resources? The health department cites Bupa schemes — where staff training or equipment are given to NHS hospitals — as welcome examples of sponsorship. Mothercare's £100,000 annual sponsorship of a clinical genetics unit at Great Ormond Street Hospital would also probably find few detractors.

It is likewise difficult to object to a bank producing supplementary course material for use in business studies classes on corporate finance. But as Alan Parker, education officer at the Association of Metropolitan Authorities, says: "It's one thing raising children's awareness of the world of work, but it is another carrying out a form of public relations with the

nation's schoolchildren and providing them with material which is nominally educational but which contains hidden messages."

Indeed, the health department is sufficiently wary of the risks associated with corporate sponsorship to add its own caveat — these schemes are good "providing they are ethically sound and actually benefit the NHS". The NHS will be guarantor of that, it argues.

The dangers are already apparent. Great Ormond Street is conducting a research project funded by a chemical company into the use of a specific drug in treating childhood asthma. In fact, as Tony Baxter, the director of fundraising, makes clear, Glaxo is

sponsoring research into a generic rather than brand product and the research programme is under the direction of the hospital itself.

To date the biggest controversies in both the health and education sectors have been reserved for the sponsorship of educational materials. Here the National Consumer Council is so concerned about the poor quality of some sponsorship materials and schools' growing dependency on them that it has drawn up its own guidelines. Its recommendations include ensuring that sponsored material is clearly designated as such.

Its recommendations appear obvious — sponsored material should be clearly designated as such; no implied or explicit sales message should be included; there should be no attempt to state, imply or demonstrate that one product is better than another. The NCC also recommends that no samples are left in schools without the head teacher's consent and that people actively involved in education should be used to help to compile material.

But the protection afforded by the guidelines is inadequate. "They really need to be replaced by some kind of statutory system," says John Ward, the council's development director.

He says that the NCC continues to be at odds with some companies and with trade associations such as the British Sugar Bureau, set up by the industry to promote sugar. Mr Ward said that some of their schools material still runs counter to the guidelines.

He describes the food industry's involvement in health education as "one of the most treacherous sponsorship areas". As a result, the consumer watchdog is looking with interest at a proposal from the Coronary Protection Group for an accreditation system for health and food related materials.

But given the present absence of quality controls, a recent Mintel survey provides some comfort. The public, it appears, is under no illusion about why companies engage in sponsorship — most respondents described company motivation as marketing driven rather than philanthropic.

Our tolerance of sponsorship is apparently remarkably high. Mintel's survey suggests that consumers' eagerness to see more money pumped into hospitals and schools overrides all else. Hence the surprising finding that more people would appreciate sponsorship of the NHS and of primary and secondary education than would accept sponsorship of public transport.

Open government calls for more careful presentation

Behind the smoke screen

Open government is universally acknowledged to be a good thing, one of the tenets of our age. At the last election all the political parties endorsed "openness" — although those at least risk of securing power were the most enthusiastic.

Those who have had experience in government know that in an increasingly sensationalist society, the achievement of an openness which cultivates informed debate shows that government is a complex business.

The reconciling of opposing or contradictory claims, the rationing of scarce resources and the easing through of change are far more complex affairs than making an anti-bureaucratic manifesto commitment.

But serious "openness" has to be persevered with. It has been used to good effect, for example, by the environment department in engineering the transition from the rubble of the "poll tax" to its more sensible replacement, the "council tax". Government has not forfeited the right to make basic decisions and it will ultimately be answerable for them, but consultation at least on the details has been timely and responsive. The old arrogance by which civil servants, driven by ministers, could click their fingers and expect the local authority finance system to change overnight, while expecting 100 per cent efficiency seems to have gone.

No doubt this is an openness forced by circumstances, and is unnatural to an extent. What is even less

natural, and inconsistent with the better traditions of the public sector, is trivialisation through the sort of *tele-vérité* style of supposed openness which is claimed by its advocates to expose the inner workings of "authority" — but in reality can reduce serious issues to entertainment.

I hesitate to choose an already bashed target, but I have to say that the best recent illustration was the launch of the Department of National Heritage.

Others have already com-

filmed and a young import from the Home Office commented on how exciting the work was compared to the grind of the criminal justice and prison systems, human rights and immigration — all those dull and frosty responsibilities of government.

What is this "Great Work"? Curiously, and no doubt coincidentally, Mr Phillips' appearance preceded a host of newspaper reports detailing schemes to build opera houses in Docklands and the South Bank, and bids to extend the Tate Gallery, the British Museum, etcetera. Someone has apparently noticed a millennium coming up. The floodgates of public subsidies are to be opened.

Actually I doubt it. Given the state of central government's finances it seems inevitable that most of these schemes will end in tears. Like it or not, John Major is not President Mitterrand bursting to inscribe London with *Grands Projets*.

A debate on British "cultural policy", even a debate on whether a department of state should exist to promote such a thing, would be very worthwhile. Mr Phillips is an immensely talented public servant and well equipped to initiate it. But that debate can only be trivialised by their packaging in mere "on-the-wall" photo-opportunities. This is a distraction, a presentation of style without substance, and for the sake of the serious health of public sector it should be stopped.

• The author is director, The Institute of Revenue, Rates and Evaluation



Colin Farrington

mented on that department's absurd mish-mash of functions. Certainly several of the recent changes in the machinery of government seem to have been designed to placate ministerial egos rather than to advance public business. What was equally alarming was the Orwellian early-morning television appearance of the new permanent secretary, Hayden Phillips, shirt-sleeved and ready for the salesman's pitch, to persuade us of the huge and important tasks of his new ministry.

An embarrassing "top management" meeting was

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35-43 Lincoln's Inn Fields

London WC2A 3PN

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PROCEDURE
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Send applications to arrive by noon on 18 September to:
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M Muller; S J Muller

T J Muller

Court of Appeal

Law Report August 25 1992

Court of Appeal

Tax assessments lawful

Collins v Addies (Inspector of Taxes)**Greenfield v Bains (Inspector of Taxes)**

Before Lord Justice Nourse, Lord Justice Glidewell and Lord Justice Stocker

[Judgment July 31]

Income tax assessments on two participants in a close company under the provisions of section 287 of the Income and Corporation Taxes Act 1970 relating to loans made to them by the company were lawful. The sale of their shares in the company to a fellow participant that included the reduction of their indebtedness was a "release" for the purposes of that section and gave rise to their liability.

The Court of Appeal so held in rejecting judgments dismissing appeals by the taxpayers, Mrs Michael Collins and Mrs Anthony Greenfield, from the judgment of Mr Justice Miller (*The Times* July 16 1991; [1991] STC 445) that upheld determinations by a special commissioner relating to assessments to the tax raised on them for 1980-81. The taxpayers were refused leave to appeal to the House of Lords.

By section 287 of the 1970 Act

Acquiescence in child abduction

In re A (Minor) (Abduction: Acquiescence)

Before Sir Donald Nichols, Vice-Chancellor, Lord Justice Butler-Sloss and Sir Michael Kerr

[Judgment July 29]

The father of a child abducted to England could be said to have acquiesced in the abduction for the purposes of article 13(a) of the Hague Convention on Civil Aspects of International Child Abduction notwithstanding that he did not at the time of the abduction to constitute acquiescence have specific knowledge of his rights under the Convention.

The Court of Appeal so held when allowing an appeal by the child's mother, uncle and aunt from the order of Mrs Justice Booth made on May 21, 1992, in the Family Division, that the child should be returned to Germany, his country of habitual residence, under article 12 of the Convention.

Mr Patrick Eccles, QC and Miss Camilla De Sousa Turner for the mother; Mr Patrick Egan, QC and Miss Camilla De Sousa Turner for the uncle and aunt; Mr Andrew Ritchie for the father.

LORD JUSTICE BUTLER-SLOSS said that unless article 13 of the Hague Convention, incorporated into English law in Schedule 1 to the Child Abduction and Custody Act 1985, applied, the judge was bound to order the

as substituted by paragraph 33(1) of Schedule 6 to the Finance Act 1981 and now re-enacted in section 421 of the Income and Corporation Taxes Act 1988:

"(1) . . . where a [close] company is assessed or liable to be assessed under section 286 . . . in respect of a loan or advance and releases or writes off the whole or part of the debt in respect of it, then—(a) for the purpose of computing the total income of the person to whom the loan or advance was made a sum equal to the amount so released or written off shall be treated as income received by him after deduction of income tax from a corresponding gross amount . . ."

The taxpayers' directors and shareholders in Brent & Collins, an unincorporated company, were under a loan or advance in amounts totalling £70,000. In 1980 they contributed to their shareholdings to a fellow director, Mrs S. Brent, for £200,000. It being a term of the sale that Mr Brent be substituted for the taxpayers as debtor to the company.

Mr Andrew Thornhill, QC, for the taxpayers; Mr Launcelot Henderson for the Crown.

LORD JUSTICE NOURSE

said that the appeals raised a question of construction on section 287(1) of the Act.

Broadly stated, it was whether, by participating in the sale transaction, the company "released" the loan for the purposes of that provision.

It being accepted by the taxpayers that the company had become liable to be assessed under section 286, payment of sums equal to the amount of advance corporation tax that would have been chargeable if the loan had been a distribution, the Crown's case was a simple one.

Both in form and substance, it was argued the notion of the loan effected by the sale agreement involved release of the taxpayers' debt in respect of the loan.

The taxpayers contended that section 287(1) applied only to releases given gratuitously or for less than full consideration and not to releases given for full consideration, such as those which were given by the company to the Crown.

Mr Thornhill recognised that that contention invited the court to put a limitation on the ordinary meaning of "release", which comprehended a release given for full

consideration no less than one given gratuitously or for less than full consideration.

But, he argued, that limitation was required by the context both of section 287(1) itself and of the provisions of the 1970 Act relating to company distributions as a whole. He relied for support on the application of the provision not only to releases but also to the writing off of loans, an inherently gratuitous exercise.

But there was no warrant for putting such a limitation on the releases contemplated.

As Mr Justice Miller, adopting the language of Lord Wilberforce in *IRC v Plummer* [1980] AC 896, 911 had said: "... that would be legislation not interpretation. If Parliament had intended the word to mean 'release otherwise than for full value' it could and must have said so."

The construction contended for by Mr Thornhill could not be accepted. The decision of the judge was correct and the appeal should be dismissed.

Lord Justice Glidewell gave a concurring judgment and Lord Justice Stocker agreed.

Solicitors: Frank Charles & Co; Solicitor of Inland Revenue.

Parental request paramount

Regina v Cleveland County Council, Ex parte Commission for Racial Equality

Before Lord Justice Parker, Lord Nolan and Lord Justice Kennedy

[Judgment July 31]

Where a parent requested the transfer of a child to a preferred school because of the racial mix of its pupils, the local education authority had to comply with the request.

The mandatory duty to comply with parental preference imposed by section 6 of the Education Act 1980 was not qualified by section 18 of the Race Relations Act 1976.

Accordingly, the transfer of the child was not an act of segregation on racial grounds.

The Court of Appeal so held dismissing an appeal by the Commission for Racial Equality from the dismissal by Mr Justice Macpherson (*The Times* October 28, 1991) of a judicial review application by the Commission of Racial Equality against Cleveland County Council for an act of discrimination contrary to the 1976 Act by transferring a child, at his mother's request, from one maintained school to another and for an order requiring the Secretary of State for Education and Science to determine according to law, whether there were grounds upon which he could and should exercise his statutory default powers under the Education Act 1944-1980.

The mother had written to the council asking for her daughter to be transferred from the council's school at Abingdon Road, which had a large number of Asian pupils, to Martin Grove School which was predominantly white. The council complied with the request.

Mr Stephen Sedley, QC and Mr Robin Allen for the CRE; Mr James Goodie, QC and Mr Lionel Persey for Cleveland; Mr J. R. McManus for the education secretary; Mrs Jennifer Carter, parent, in person.

LORD JUSTICE PARKER said that the council had considered the request to be based on racial grounds and was reluctant to comply with it but on taking legal advice was informed that section 6 of the 1980 Act it had no option but to do so.

Whether or not the council was justified in constraining the request as being based on racial grounds it was plain that the judge concluded that it was not in fact so based. On the evidence, the judge was right in reaching that conclusion. The mother could leave the court with no racist stain on her.

Prior to the 1980 Act local education authorities were obliged, when considering initial admissions or transfers to their

schools, to have regard to parental preference. By section 6 of the 1980 Act they were under a mandatory duty, save in the instances stated in section 6(3), to comply with such preference.

In the instant case the council was obliged to comply with the mother's request, otherwise it would be in breach of section 6.

The CRE contended that the mandatory and apparently unqualified duty under section 6 was qualified and overridden by section 18 of the 1976 Act, as amended by section 33(1) of the 1980 Act.

The case for the CRE depended on a local education authority's duty under section 6 of the 1980 Act being a function not falling under section 17 of the 1976 Act. It was only if so, that section 18 applied and created or could create two conflicting duties the duty under section 6 of the 1980 Act to comply with parental preference whether such was subject only to the council's discretion or not.

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If conflict was to be avoided there had to be some saving. That was to be found in section 41(1)(a) of the 1976 Act. On that basis no conflict arose and it had to be presumed that Parliament intended no conflict.

The judge concluded that the section 6 duty was not a function. His Lordship could only accept that conclusion if there were no other way of resolving the apparent conflict between section 6 and section 18.

Since in his Lordship's judgment there was no conflict it was unnecessary to determine whether the judge's solution should be accepted. Accordingly, his Lordship would hold that the council's duty under section 6 was qualified by section 18.

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If the literal construction was to be preferred the consequence would be that a person could be qualified to be a member of a local authority simply by virtue of carrying out the duties of a member of a local authority.

If that had been the intention of Parliament it was a matter which would have been dealt with expressly, the more so as the situation which had arisen might not be unusual.

The court, therefore, preferred the purposive approach.

If the section was read as a whole so as to put the phrase into context as the phrase "principal or only place of work" had to be viewed in contra-distinction to the carrying out of the duties of a member of the local authority, which was the office for which election was subject to.

It could not be right that Parliament intended that a person should be qualified to be elected to carry out the duties of a member of a council simply by virtue of his having carried out those duties for the previous year.

Mr Justice Latham agreed.

Solicitors: Steel & Shamash, Lambeth; Pennington; DPP.

Candidate cannot have council offices as place of work

Parker v Yeo

Before Mr Justice Mantell and Mr Justice Latham

[Judgment July 24]

A retired person whose only work consisted of his duties as a local councillor was not qualified, under the provisions of section 79(1)(c) of the Local Government Act 1972, to be re-elected to the council on the basis that he was a person whose "principal or only place of work" was within the council area.

The Queen's Bench Divisional Court so held, on an election petition in the form of a special case stated by Dorothy Ann Parker, when deciding that the election of Raymond Yeo to the St David's ward in the City of Exeter was void.

In July 1990 the candidate ceased to trade and the respondent retired. He had had no other form of employment and had devoted his time to his duties as an elected member of the council. He served on a number of committees and had been appointed to various posts and offices. He had received various allowances which were subject to taxation.

The various aspects of the respondent's work were said to be representative of the work of most elected councillors.

If the words "principal or only place of work" fell to be understood in isolation and given a purely literal construction, there was no question but that what the respondent did in performing his duties as a councillor could properly be described as work and that the only place, and certainly the principal place, where he performed those duties fell within the relevant area.

It could not be right that Parliament intended that a person should be qualified to be elected to carry out the duties of a member of a council simply by virtue of his having carried out those duties for the previous year.

Mr Justice Latham agreed.

Solicitors: Steel & Shamash, Lambeth; Pennington; DPP.

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